



**JUDICIAL COUNCIL  
OF BRITISH COLUMBIA**

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**ANNUAL REPORT 2015**





## Judicial Council of British Columbia

July 1, 2016

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

Dear Attorney General:

I am pleased to send you the 2015 Annual Report of the Judicial Council of British Columbia.

The Council's first responsibility is to recommend candidates of the highest qualifications for judicial office, and to ensure the ongoing education and ethical standards of judicial officers. The work of the Judicial Council during the past year includes the review of applications and the interviewing of applicants seeking an appointment to the Provincial Court.

The number of applications for appointment as a Provincial Court judge declined in 2015 to 26 from 50 in the previous year. Including applications from 2014, the Council reviewed 37 applications for appointment as Provincial Court judge, interviewed 27 applicants and recommended 16. The Council also reviewed applications for appointment as judicial justice and as justice of the peace.

The Judicial Council strives to make the application process as transparent as possible and encourages applications from candidates of diverse backgrounds. In 2015, 11 applications out of the 26 received included information pertaining to diversity. The Council's efforts toward transparency, recognized by the Canadian Bar Association in 2013, will continue to be a priority.

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 [www.provinciacourt.bc.ca](http://www.provinciacourt.bc.ca).

I wish to express my appreciation to the members of the Judicial Council for their dedication and many contributions to the work of the Council during their terms of office. The members of the Council are listed in the full report. To the departing members, I offer my particular thanks.

Sincerely,

The Honourable Thomas J. Crabtree  
Chief Judge of the Provincial Court and  
Presiding Member of Judicial Council of British Columbia



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# 2015 JUDICIAL COUNCIL ANNUAL REPORT: SUMMARY

The Judicial Council of British Columbia was created by the provincial government to improve the quality of services provided by the judiciary in the Provincial Court of British Columbia. The judiciary includes judges of the Provincial Court and other judicial officers with specific responsibilities. (The types of judicial officers and their roles are described on page 6.)

The main functions of the Judicial Council are to advise the Lieutenant Governor in Council (that is, the Cabinet) on the appointment of Provincial Court judges and other judicial officers, to oversee the delivery of education for judges and other judicial officers, and to undertake inquiries respecting judges and justices when necessary.

Each year, the Judicial Council reports to the Attorney General on its activities. This report summarizes the membership and activities of the Council for 2015.

## MEMBERS OF THE JUDICIAL COUNCIL

Composed of judges, lawyers and laypersons, the Judicial Council represents opinions from within and outside of the judiciary. Four of its nine members are appointed by the Lieutenant Governor in Council. The others are the Chief Judge and an Associate Chief Judge and the presidents (or their nominees) of the Provincial Court Judges Association of British Columbia, the Law Society of British Columbia and the B.C. Branch of the Canadian Bar Association.

## JUDICIAL APPOINTMENTS

In Canada, the provincial governments, acting as the Lieutenant Governor in Council, appoint judges to their provincial courts. In British Columbia, as in some other provinces, the Judicial Council recommends candidates for the judiciary, and the Attorney General selects from among those recommended. The Judicial Council has established criteria for judicial appointments, including a wide range of specific competencies. These competencies help to ensure that candidates appointed to the bench are exceptional individuals who unquestionably demonstrate the highest professional qualifications, temperament, ability and community standing. In order to ensure this high standard, the Judicial Council requires detailed

applications and investigates all applicants with the assistance of the B.C. Branch of the Canadian Bar Association. The Council interviews successful applicants and recommends the most capable to the Attorney General.

The Judicial Council attempts to ensure that the Provincial Court bench reflects the diversity of B.C.'s population. It analyzes factors such as applicants' gender, age, region and type of practice.

In 2015, all regions of the province were represented in applications to the bench. The Council made recommendations of six men and 10 women from all regions of the province for appointment to the Provincial Court bench. It also recommended 21 applications for appointment as a Court Services Branch justice of the peace, and

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In 2015, the Judicial Council received **26** applications for recommendation as a Provincial Court Judge, interviewed **27** applicants, and recommended **16**.

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interviewed one applicant for appointment as a judicial justice.

In 2013, the Council revised the judicial application forms to include, on a voluntary basis, information relating to the applicant's ethnic or cultural background. In 2015, 11 of the 26 applications included ethnic and cultural information. Five applicants indicated that they were members of an ethnic or minority group and six indicated that they were members of an other diverse group.

## JUDICIAL EDUCATION

The Judicial Council supports judges, judicial justices and other judicial officers in ongoing judicial education. For Provincial Court judges, this includes new judges' programs, fall and spring conferences, mentorship by experienced judges, court observations and travel to various districts in the province. At present, judicial education is organized on behalf of the Judicial Council primarily by the Office of the Chief Judge, the education committee of the Provincial Court Judges Association, the education committee of the Judicial Justices Association and by volunteer judges and judicial justices. The *annual report* of the Provincial Court lists the education opportunities available to the judicial officers.

In addition, the Judicial Council supports the training and education of other judicial officers through conferences, courses and on-the-job training.

## OTHER MATTERS

The Judicial Council has responsibilities for certain inquiries respecting judges and justices, for improving judicial services and for preparing a judicial code of ethics. The Judicial Council has adopted the Ethical Principles for Judges published by the Canadian Judicial Council (CJC) in 1998 to guide judicial behaviour in and out of court.

The full text of the Ethical Principles is located on the [\*CJC website\*](#).

**For details on the operation of the Provincial Court of British Columbia, please refer to the Court's [\*website\*](#) and the [\*annual reports\*](#) of the Provincial Court.**

# 1. INTRODUCTION AND MEMBERSHIP OF THE JUDICIAL COUNCIL

## ROLE OF THE JUDICIAL COUNCIL

The Judicial Council of British Columbia (“Judicial Council” or “Council”) is a statutory body with the stated object of improving the quality of services provided by the judiciary to the Provincial Court of British Columbia. Created by the *Provincial Court Act, R.S.B.C. 1996, c. 379 (the “Act”), s. 21*, the Judicial Council’s functions include:

- Considering applications and making recommendations for appointment by the Lieutenant Governor in Council (LGIC, known more commonly as the Cabinet) of judges, judicial justices (JJs) and justices of the peace (JPs)
- Undertaking inquiries into the conduct of judges, judicial justices and justices of the peace
- Considering proposals for improving the judicial services of the Provincial Court of British Columbia
- Continuing the education of judges and organizing educational conferences for judges
- Preparing and revising, in consultation with judges, a code of ethics for the judiciary
- Reporting to the Attorney General on matters the Attorney General considers necessary

The Judicial Council is not directly involved in the management or administration of courts or cases in the Provincial Court. For details on the operation of the Provincial Court of British Columbia, please refer to the Court’s [website](#) and the [annual reports](#) of the Provincial Court.

## JUDICIAL OFFICERS

The Judicial Council has responsibilities regarding various judicial officers.

These include:

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



Left to right  
Back row: Mr. Lorne MacLean, QC, Administrative Judicial Justice Patricia Schwartz,  
Mr. Robert Rolls, Judge Susan Wishart  
Front row: Mr. Alex Shorten, QC, Chief Judge Thomas Crabtree,  
Associate Chief Judge Gurmail Gill, Ms. Jan Lindsay, QC  
Missing from photo: Ms. Karin Kirkpatrick

## MEMBERSHIP OF THE JUDICIAL COUNCIL

**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 Provincial Court Judges Association of British Columbia or her or his designate
- The President of the Law Society of British Columbia or her or his designate
- The President of the British Columbia Branch of the Canadian Bar Association (“CBABC”) or her or his designate
- Not more than four other persons (by convention, this has included a judicial justice and at least two laypersons)

**The members of the Judicial Council in 2015 were as follows:**

The Honourable Chief Judge Thomas J. Crabtree  
Presiding Member

The Honourable Associate Chief Judge Gurmail S. Gill  
Alternate Presiding Member

Administrative Judicial Justice Patricia M. Schwartz  
Ms. Karin Kirkpatrick

Mr. Lorne N. MacLean, QC

Ms. Jan Lindsay, QC  
Representative, Law Society of B.C. (2015)

Mr. Robert D. Rolls

The Honourable Judge Susan Wishart  
President, Provincial Court Judges Association (2015)

Mr. Alex Shorten, QC  
President, Canadian Bar Association, B.C. Branch (2015)



# MEMBERS OF THE JUDICIAL COUNCIL

## The Honourable Chief Judge Thomas J. Crabtree, Presiding Member

*Appointed Chief Judge April 8, 2010*



Chief Judge Thomas (Tom) Crabtree was born in London, England, in 1955, raised in the Fraser Valley of British Columbia, and received a BA from the University of British Columbia in 1978. He received a bachelor of law degree from the University of Victoria in 1983 and was called to the British Columbia bar in 1984. He practised criminal and civil litigation in the upper Fraser Valley and became a partner in the law firm of Patten Crabtree. He is married with two adult children.

Chief Judge Crabtree was appointed to the Provincial Court in February 1999 and served in the North and South Fraser Districts. He was appointed Chief Judge of the Provincial Court of British Columbia on April 8, 2010.

While on the bench, Chief Judge Crabtree has contributed to a number of committees of the Court, including the B.C. Judges Association's education committee, acting as chair and a member of the executive from 2004 to 2008. He chaired the 2007 joint education conference of the Canadian Association of Provincial Court Judges, the American Judges Association and the B.C. Provincial Court Judges Association. He also chairs the Provincial Court's education review committee and represents

the Court on the B.C. Continuing Legal Education board. In addition, Chief Judge Crabtree participates in the Provincial Court Students' Journalism Program; sits on the Canadian Council of Chief Judges, where he chairs the education committee and is a member of the access to justice committee; and sits on the justice access committee of British Columbia and the board of governors of the National Judicial Institute.

Chief Judge Crabtree has spoken at and participated on a number of panels at judicial education conferences including University of British Columbia Law School; University of Victoria Law School; Thompson Rivers University Law School; the New Judges Program at Lac Carling; the International Conference on Training the Judiciary; Continuing Legal Education and Canadian Bar Association programs; and the National Judicial Institute. He has also been involved at the Elder College at the University of the Fraser Valley; Moot Court programs at the University of British Columbia Law School and the Chilliwack Court House; and speaking to various community organizations throughout the province.



## The Honourable Associate Chief Judge Gurmail S. Gill, Alternate Presiding Member

*Appointed to the Judicial Council June 24, 2010*

Associate Chief Judge Gill was appointed as a Judge of the Court in 1994. From October 1996 until January 1999, Judge Gill chaired the fourth Royal Commission on Workers Compensation in B.C. which produced a number of comprehensive recommendations for reform to the system, including designing a new legislative framework for occupational health and safety.

In August 2007, he was appointed as the Administrative Judge for the South Fraser Judicial District. In February 2009, he was appointed Associate Chief Judge, in which capacity he has continued to serve until the present time, and is responsible for judicial administration of the Court.

Judge Gill has served on the Court's strategic planning committee and on a number of committees mandated to improve access to justice through the use of court technology, including as the representative of the Canadian Council of Chief Judges on the board of directors of the Canadian Centre for Court Technology. Judge Gill currently serves as a member of the Canadian Association of Provincial Court Judges committee on the law and he is the Provincial Court Judicial Liaison to the British Columbia Law Institute.

## Administrative Judicial Justice Patricia M. Schwartz

*Appointed to the Judicial Council December 31, 2010*

Administrative Judicial Justice Schwartz is currently assigned to the Violation Ticket Centre, Provincial Court of British Columbia (Traffic Division). In 2001, she was appointed as a Judicial Justice and assigned to the Justice Centre.

Judicial Justice Schwartz has extensive experience in the Provincial Court, serving as the acting operations manager at the Office of the Chief Judge and as a judicial case manager.

She has served on the board of directors for City Hall Daycare, the École Pauline Johnson After School Care program and the Vancouver Skating Club. She attended Capilano University, has completed government management courses and attends biannual seminars for judicial justices.

Judicial Justice Schwartz was originally appointed to the Judicial Council on January 1, 2011, for a three-year term. In January 2014, her appointment to the Judicial Council was extended for an additional three-year term.





## Ms. Karin Kirkpatrick

*Appointed to the Judicial Council July 8, 2011*

Karin Kirkpatrick is an adjunct professor in the organizational behavior and human resource division at the Sauder School of Business, University of British Columbia.

In 2014, Ms. Kirkpatrick founded Capercaillie, an education company providing online and face-to-face custom business programs. She has worked as CEO for Private Career Training Institutions Agency (of B.C.), a provincial Crown corporation, and for the Real Estate Foundation of British Columbia. Prior to that, she spent six years as assistant dean in the Sauder School of Business, University of British Columbia.

Ms. Kirkpatrick is a provincial appointee to the Judicial Council of British Columbia, is a member of the Land Awards Committee with the Real Estate Foundation of B.C., and was previously on the board of the Vancity Community Foundation and the board of the B.C. Council for International Education. In 2012, Ms. Kirkpatrick was recipient of the Queen Elizabeth II Diamond Jubilee Medal and a nominee for the YWCA's Women of Distinction Awards. In 2014, she was placed on the Canadian Board Diversity Council's "Diversity 50" list for Board eligible candidates.

Ms. Kirkpatrick holds a Master of Laws (LLM), International Law and Practice, from the University of Edinburgh, a Master of Business Administration (MBA), Human Resource Management, from Royal Roads University, and is a Chartered Professional Accountant (CPA), and Certified Management Accountant (CMA).

## Mr. Lorne N. MacLean, QC

*Appointed to the Judicial Council March 8, 2012*

Lorne MacLean, QC, is the founding partner of MacLean Family Law Group. Established in 1983, the family practice has since expanded across British Columbia with offices in Vancouver, Surrey, Kelowna and Fort St. John. Mr. MacLean practices family law in high-net-worth and complex family law disputes, including spousal and child support, property division, child custody, guardianship and access, and marriage-like relationships.

Mr. MacLean appeared twice before the Supreme Court of Canada on behalf of appellants in complex family law cases. *Young v. Young* remains the leading case on child custody in Canada, and *Leskun v. Leskun* established key principles to be applied to spousal support decisions. He also successfully represented Juanita Nott in Canada's first frozen embryo custody dispute.

In addition to client work, Mr. MacLean has published on numerous topics relating to B.C. family law. He has served as a guest lecturer at the University of British Columbia Law School and with the Canadian Bar Association, B.C. Branch. He is often called upon to speak about "Grey Divorce and Wealth Preservation" and has chaired programs at the Pacific Business and Law Institute. He was called to the bar in B.C. in 1983 after receiving his Juris Doctorate at Osgoode Hall, and was appointed as Queen's Counsel in 2012.



## Ms. Jan Lindsay, QC, Representative, Law Society of B.C.

*Appointed to the Judicial Council January 1, 2014*

Born in Vancouver, Ms. Lindsay obtained a bachelor of laws in 1980 at the University of British Columbia and began practising in 1981.

She has worked in civil litigation since that time, with an emphasis on insurance matters and personal injury claims. She was appointed Queen's Counsel in 2009.

Ms. Lindsay has also been involved in Law Society activities since 2000. She has served on a number of committees including the executive committee, complainants review, discipline, practice standards and credentials committees, the rule of law and lawyer independence advisory committee, and the retention of women in the legal profession task force. From 2006 to 2014, she was one of three benchers representing Westminister County.

Ms. Lindsay was elected as second vice-president of the Law Society in 2011 and served as president of the Law Society of British Columbia in 2014.

## Mr. Robert D. Rolls

*Appointed to the Judicial Council April 17, 2014*

Robert (Bob) Rolls was a member of the Vancouver Police Department from 1977 to 2010. He held various positions including deputy chief constable, District Two commander, District One inspector, director of human resources and sergeant in charge of the recruiting unit.

His career includes more than 10 years working in the Downtown Eastside of Vancouver. Active in his community, Mr. Rolls is currently on the board of directors of E-Comm Corporation and chair of the board of directors of EasyPark Corporation. His past civic activities include being the president of Odd Squad Productions and participation on advisory boards at Langara College and Kwantlen University.

His memberships on professional associations have included the International Association of Chiefs of Police, the Canadian Association of Chiefs of Police, the B.C. Association of Municipal Chiefs of Police and the Vancouver Police Officers Association.

Mr. Rolls has been accredited for extensive in-service training by the Justice Institute of British Columbia and the Vancouver Police Department.

He holds his bachelor of arts from the University of British Columbia. In 2009, Mr. Rolls was awarded Member of the Order of Merit of the Police Forces by the Governor General of Canada for exceptional service or performance of duty over an extended period of time.



## The Honourable Judge Susan Wishart, President, Provincial Court Judges Association

*Appointed to the Judicial Council, January 1, 2015*

Judge Sue Wishart was appointed to the Provincial Court of British Columbia in March 2009. In November 2010, Judge Wishart was elected as a member-at-large to the British Columbia Provincial Court Judges' Association. Since then, Judge Wishart has served as a member of the executive of the Association, becoming its president in November 2014. As president of the Association, Judge Wishart became a member of the Judicial Council in 2015.

Judge Wishart sits in Victoria and also serves Duncan and the Western Communities just outside Victoria. Judge Wishart has been one of three judges to regularly preside over the Integrated Court in Victoria since its inception in 2010. This is a specialized court dealing with persons accused with mental health and addiction issues who are supported by outreach teams in the community.

## Mr. Alex Shorten, QC, President, Canadian Bar Association, B.C. Branch

*Appointed to the Judicial Council January 1, 2015*

Alex Shorten is a Vancouver-based senior legal and business advisor working with North American forest products, construction and parking management companies. He has served as an executive and director of private companies and industry associations and has extensive corporate secretary and committee experience. He was President of the Canadian Bar Association, B.C. Branch, in 2014-2015 and has chaired or sat as a member of several CBABC committees and sections.

Mr. Shorten was called to the bar in British Columbia in 1973 and practiced as a litigator, including as counsel in criminal and family matters in Provincial Court, and later in his career as a corporate commercial solicitor.

In 2008, he received the national Robert V.A. Jones Award for distinguished contribution to the corporate counsel bar in Canada. In 2015, he received the President's medal from the Canadian Bar Association, B.C. Branch and in December 2015 he was appointed Queen's Counsel.

## 2. MEETING SCHEDULE AND BUSINESS CONDUCTED

The Judicial Council meets approximately once monthly. At most meetings, the Council reviews applications for appointment as Provincial Court judge and, when required, reviews applications for appointment as judicial justice and justice of the peace. The Council also interviews applicants for the position of Provincial Court judge.

The 2015 meetings were held on January 16, February 13, March 20, April 10, April 27 (one hour, with three members attending by teleconference), May 22, June 19, August 21, September 18, October 30, November 13 and December 4.

Guests of the Judicial Council included Grant Marchand, manager of judicial resource analysis and management information, and Jesse Joice, data analyst, who gave a presentation on the judicial complement of the Provincial Court.

Incoming members for 2016, Judge David St. Pierre and Ms. Jennifer Chow, observed as guests at the December 4 meeting.

Members of the Judicial Council continue to speak to legal organizations about the work of the Council and encourage qualified candidates from all backgrounds to consider making an application for judicial office.

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In 2015, the Council received **26** applications for Provincial Court judgeships and reviewed **37** (including some from 2014). The Council approved **24** applications for interview, interviewed **27** applicants and recommended **16** for appointment. The Council received **1** application for appointment as a judicial justice, reviewed **2** and interviewed **1** applicant. It received **23** applications for appointment as justice of the peace and recommended **21**.

(The figures reflect the Council's activities in the year, but may include reviews, interviews or appointments of candidates who applied in a previous year. Details are included in the following sections and in Appendix A.)

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# 3. APPOINTMENT PROCESS FOR PROVINCIAL COURT JUDGES

Judges are appointed to the Provincial Court by the Lieutenant Governor in Council (LGIC) on the recommendation of the Judicial Council, pursuant to section 6 of the *Provincial Court Act*. The process of making a recommendation begins with an application to the Judicial Council, and includes a rigorous examination of an applicant's professional standing, abilities and other relevant factors.

The *Act* gives the Council the objective of improving the quality of judicial service. The approval process, therefore, must ensure that only exceptional applicants who are unquestionably capable of meeting these increasing demands be recommended for appointment. The Council sets criteria and competencies for an applicant seeking appointment as a Provincial Court judge, including:

## CRITERIA:

- At least 10 years in the practice of law (Those with less legal practice experience are considered if they have a range of related experience.)
- Superb legal reputation and a professional record review from the Law Society of British Columbia
- Experience in mediation or alternative dispute resolution
- Respect in the community
- Good health
- Appreciation of and experience with diversity
- Willingness to travel and to sit in all subject areas

## COMPETENCIES:

- Knowledge and technical skills  
*Conscientiousness, commitment to high standards*
- Decision-making  
*Decisiveness, confidence, courage, independence, impartiality*

- Communication and authority  
*Firmness without arrogance, courtesy, patience, tolerance, fairness, sensitivity, compassion, self-discipline*
- Professionalism and temperament  
*Capacity to handle stress and isolation of judicial role, sense of ethics, patience, honesty, tolerance, consideration of others, personal responsibility*
- Effectiveness  
*Commitment to public service, commitment to efficient administration, self-discipline*
- Leadership and management for judges holding administrative positions  
*Responsibility, imagination, commitment to efficient administration*

## APPLICATION AND APPROVAL PROCESS

### Application

Applicants for judicial appointment submit a Judicial Candidate Application form, which they can download from the Provincial Court [website](#) (download [Doc file](#)). A Judicial Candidate Process Summary, also available online (download [PDF](#)), outlines the entire process from application through interview to appointment.

An extensive investigation follows an application, so the Council strives to ensure that applicants understand and consent to this fact.





### *Inquiries*

Upon receipt of an application, the Chief Judge requests a report on the applicant from the judicial advisory committee of the Canadian Bar Association, B.C. Branch (CBABC). Committee members make inquiries of members of the profession and others regarding an applicant's reputation and suitability for judicial office, a process that may take several months. The Council is indebted to the CBABC committee for the diligence it brings to this task.

In addition to the CBA report, the Council receives reports on the applicant from relevant credit, driving and criminal record databases. The Law Society of B.C. also details any history of complaints against the applicant.

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.

### *Review*

Once the inquiries are complete and the above reports are received, the 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 application package. Applicants not approved for an interview are not notified.

### *Interview*

Interviews are conducted at the Office of the Chief Judge. At least five members of the 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.

### *Recommendation*

Following the interview, the 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.

The names of recommended applicants are added to a roster for consideration by the Attorney General when appointing a Provincial Court judge. The name remains on the roster for three years from the date of the 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 2015, the LGIC appointed 13 candidates from the roster.

### *Reapplication*

An applicant who has been interviewed but who is not appointed within 2.5 years of the date of an interview may reapply for appointment. Many applicants reapply at least once before being appointed by the LGIC. Interviewed applicants must advise the Council if at any time they wish to remove themselves from consideration for appointment.



## APPLICATIONS AND OUTCOMES

In 2015, the Judicial Council received 26 applications, reviewed 37 and approved 24 for an interview.

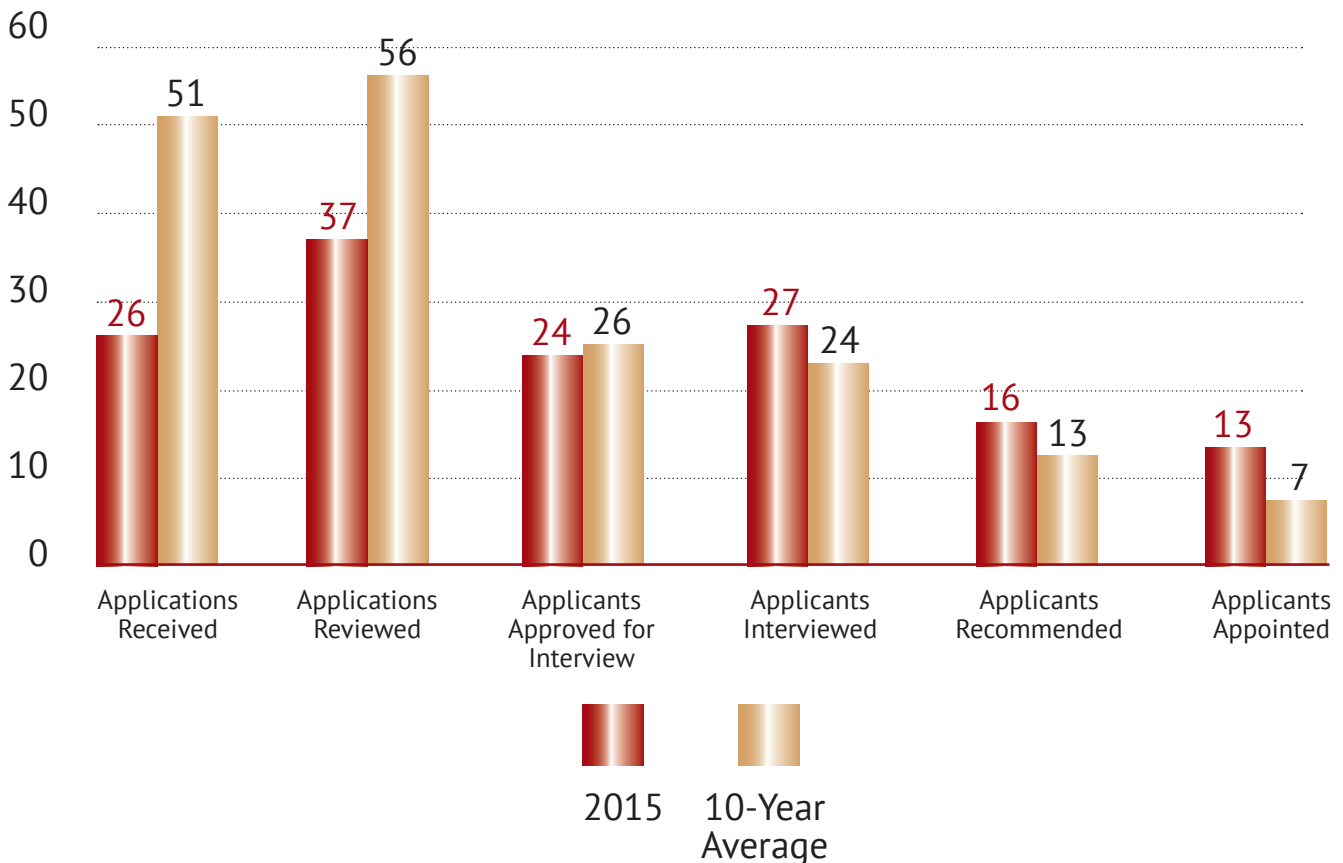
The Council interviewed 27 applicants and recommended 16. The number received, reviewed and approved for interview was significantly lower than the 10-year average.

Over the period from 2006 to 2015, the Council received an average of 51 applications per year for recommendation for appointment as a Provincial Court judge. The Council interviewed an average of 24 per year and recommended an average of 13 per year.

The number of applicants interviewed and recommended in 2014 rose significantly above the average because the Council wished to reduce the overall length of time the process takes. Having increased the number of applicants interviewed in 2014, the Council returned closer to its average number of interviews in 2015.

Appendix A, Analysis of Applications to the Judicial Council, details the number of applicants, the progression through the review process and various demographic factors. Figure 1 summarizes the number of applicants at key stages in 2015 compared to the average for 2006 to 2015.

Figure 1: Applications for Appointment as Provincial Court Judge (2015 and 10-Year Average)







Of the 10-year average of 51 applications received, an average of 24 were interviewed each year. Of these, on average, 13 were recommended for appointment. Thus, an average of 47 per cent of applicants receive an interview, and 25 per cent are recommended for appointment.

An average of seven Provincial Court judges have been appointed each year over the last 10 years, approximately 14 per cent of the average number of applicants.

In 2015, the Council interviewed 27 candidates, three more than the average number of applicants interviewed per year, and recommended three more than the average number of applicants. The Lieutenant Governor in Council appointed 13 judges, six more than its 10-year average.

## Alex A. Shorten, QC

*President of the Canadian Bar Association, B.C. Branch –  
Appointed to the Judicial Council January 1, 2015*



**The opportunity to participate as a member of the Judicial Council is an honour and a privilege.**

**I love the strenuous process of vetting applicants for appointment to the bench of the most important and busiest court in the province.**

**Many of the candidates in their applications and in interviews speak of the critical role of the “peoples’ court” and of the extraordinary qualities**

**needed to provide respectful, judicial guidance and judgment in all matters before the court. Most of these candidates have extensive experience as counsel before the court.**

**The Judicial Council tests the candidates through a vigorous review of the application, reports and references and how the candidate answers a potpourri of tough questions posed by the members in the interview process. When this is complete, the Council meets to conduct a thorough discussion of the qualities, strengths and weaknesses of the party interviewed and a vote is taken to determine if a candidate is suitable for recommendation to the government for appointment to the bench. After each of these meetings, I feel very comfortable with the Council’s approach and decision.**





## REAPPLICATIONS

Applicants who are interviewed, but not appointed, may reapply 2.5 years from the date of their interview. The Judicial Council has received an average of 18 reapplications in each of the past 10 years, compared with 32 new applications. On average over the 2006 to 2015 period, the Council has recommended 27 per cent of new applications compared to 23 per cent of reapplications.

In 2015, seven applicants reapplied to the Judicial Council after previously being unsuccessful. (“Unsuccessful” applicants include those not granted an interview, as well as those interviewed but not recommended or appointed.) The Council recommended five of these applicants for appointment in 2015.

## DEMOGRAPHICS

In 2015, the Judicial Council had an average of 28 candidates each month on the roster of those recommended for appointment. As of December 31, 2015, there were 26 candidates on the roster; 12 were men and 14 were women.

### *Gender*

The number of both male and female applicants in 2015 was below the previous 10-year average, although the proportion of males to females shifted from an average of 61 per cent males to 46 per cent males in 2015. A greater-than-average number of female applicants was reviewed, approved for interviews, interviewed and recommended for appointment. The number of male applicants (12) was 39 per cent of the 10-year average, and consequently the number of males approved, interviewed and recommended was lower than average. As in 2014, more female applicants were appointed to the bench than males, with seven female and six male appointments in 2015. Figure 2 compares the numbers of applicants in 2015 against the 10-year average (see Figure A.1 of the Appendix for yearly data).

### *Age and Years of Practice*

The average age of applicants to the Court in 2015 was 52, with an average age for males of 54 years, and for females of 51 years.

Applicants in 2015 had an average of 22 years in practice, 24 years for men and 21 years for women.

From 2006 to 2015, applicants have had an average age of 51, with 52 years for men and 49 years for women. They had an average of 21.5 years of practice, with an average of 23 years for men and 20 years for women.



Figure 2: Male and Female Applicants, 2015 and 10-Year Averages

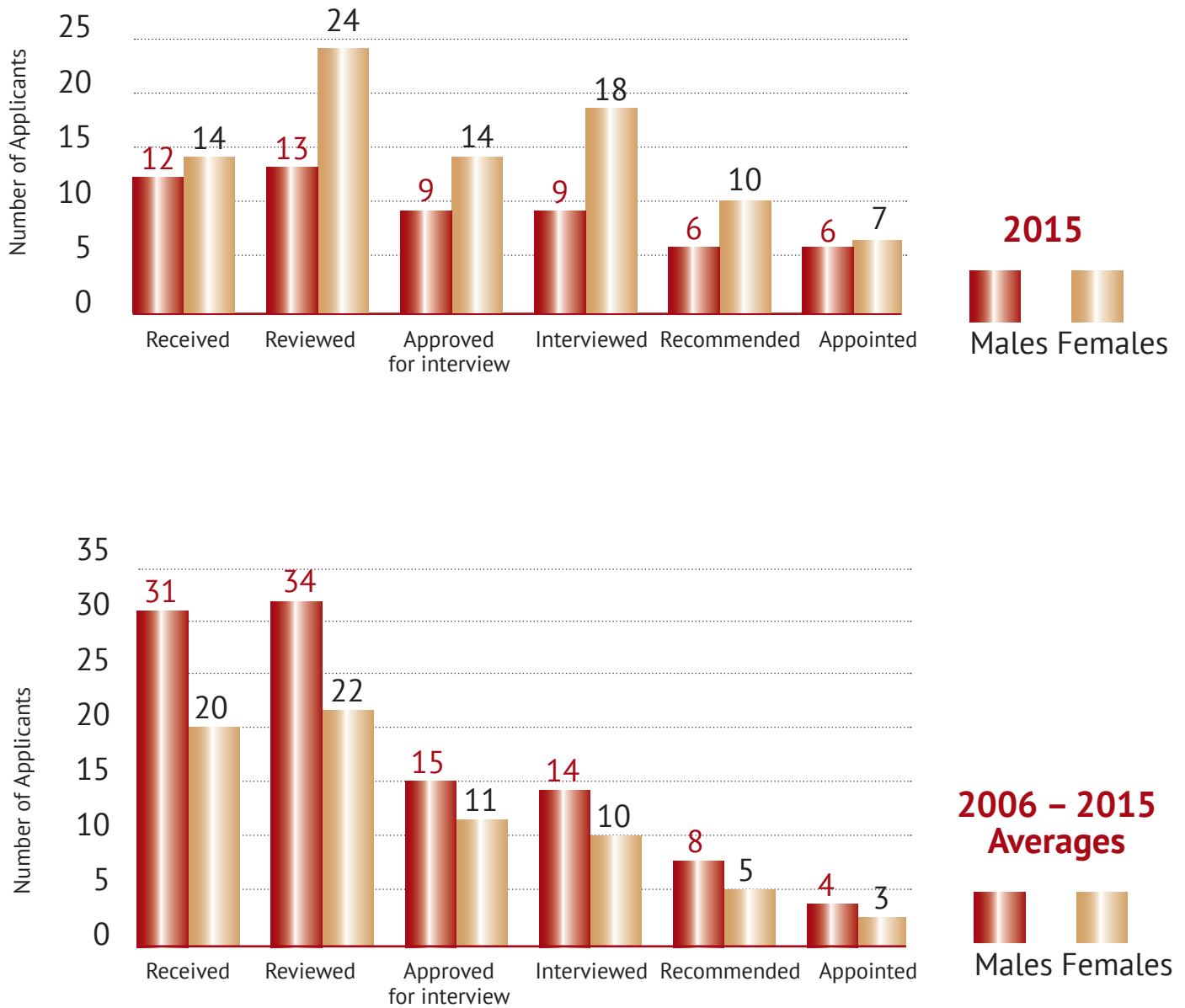






Figure 3: Applicants and Appointments by Region

	2012		2013		2014		2015	
	Applicants	Appointments	Applicants	Appointments	Applicants	Appointments	Applicants	Appointments
<b>Vancouver Island</b>								
#	8	1	8	2	11	1	2	1
%	23%	9%	17%	20%	22%	17%	8%	8%
<b>Vancouver</b>								
#	13	0	21	1	15	1	7	1
%	37%	0%	46%	10%	30%	17%	27%	8%
<b>Fraser</b>								
#	4	5	4	4	7	2	9	6
%	11%	46%	9%	40%	14%	33%	35%	46%
<b>Interior</b>								
#	5	1	8	3	10	0	5	1
%	14%	9%	17%	30%	20%	0%	19%	8%
<b>Northern</b>								
#	4	4	5	0	5	1	3	2
%	11%	36%	11%	0%	10%	17%	12%	15%
<b>OCJ</b>								
#	0	0	0	0	0	1	0	2
%	0%	0%	0%	0%	0%	17%	0%	15%
<b>Outside B.C.</b>								
#	1	n/a	0	n/a	2	n/a	0	n/a
%	3%	n/a	0%	n/a	4%	n/a	0%	n/a
<b>TOTAL</b>	<b>35</b>	<b>11</b>	<b>46</b>	<b>10</b>	<b>50</b>	<b>6</b>	<b>26</b>	<b>13</b>

Data in the table for years prior to 2015 have been revised, and may not be comparable to earlier reports.

“n/a” indicates that no appointments are made outside of the province.



### *Applicants and Appointments by Region*

In April 2013, the Provincial Court reorganized its 12 districts to form five regions. Figure 3 indicates that the Judicial Council receives applications from each of the five regions.

In 2015, 13 applicants recommended for appointment were appointed to the Court: six to the Fraser Region, two to the Northern and OCJ Regions, and one each to the Vancouver Island, Vancouver and Interior Regions.

### *Applicants by Area of Practice*

Applications to the Court come from various fields of private practice, as well as from Crown Counsel and other areas of practice. While applications from private practice tend to form about two-thirds of the total number, in 2015 they formed 46 per cent. Crown Counsel formed 35 per cent and applications from other areas formed 19 per cent of the total number in 2015.

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Private practice formed **46%** of the total applications in 2015. Crown Counsel formed **35%** and applications from other areas formed **19%**.

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## Diversity

The Judicial Council recognizes the need for the judiciary to reflect the diverse makeup of British Columbia. Not only does diversity on the bench eliminate an implicit barrier to under-represented groups applying for a recommendation to a judicial appointment, but it strengthens the bench itself and enhances public confidence in the administration of justice.

The Council believes that appropriate communication and working relationships among diverse cultures on the bench encourages mutual respect, sensitivity to and understanding of the individuals who will appear before judicial officers.

In 2012, the Chief Judge, as Presiding Member of the Judicial Council, requested the assistance of the Canadian Bar Association, B.C. Branch and the Law Society of British Columbia in encouraging a broad range of applicants for judicial office on the Provincial Court of British Columbia.

The Judicial Council's goal was to strengthen the Court by ensuring that there was a diverse pool of highly qualified applicants, reflective of the general population in the province, from which the LGIC could appoint judges to the Court. To this end, the 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 Representative Legal Profession: Better practices, better workplaces, better results.*

At its 2013 annual meeting, the Canadian Bar Association noted as a model of transparency the fact that the Judicial Council of British Columbia published yearly statistics on applications for appointment to the Provincial Court. The *CBA resolution* called for Canada's Minister of Justice to make appointments to judicial advisory committees and to the judiciary that reflect the diverse nature of the Canadian population by including persons of different genders and ethnicities, as well as Aboriginal and visible minority applicants.

The Council's first step in encouraging a diverse range of applicants was to be as transparent and open as possible about the process while preserving needed confidentiality. Its second step was to invite the CBA and the Law Society to promote those from among their ranks to apply.

In support, the Chief Judge addressed information sessions for the B.C. bar in 2013 and 2014 on building diversity on the bench, and other judges have also made presentations on the importance of diversity. The Council's third step, which is ongoing, is to highlight the results in terms of the gender and

background of the applicants.

In June 2013, the Judicial Council of British Columbia amended its judicial application forms to include, on a voluntary basis, the applicant's ethnic or cultural information.

In 2014, the collection of this information commenced, and 15 applicants answered the three questions on the application. Two out of the 15 identified themselves as Aboriginal, 12 as part of an ethnic or minority group, and four as belonging to an other diverse group.





In 2015, 11 of the 26 applicants included ethnic and cultural information. Of these, five indicated that they were members of an ethnic or minority group and six indicated that they were members of an other diverse group. None indicated Aboriginal heritage in 2015.

Minority and diverse groups identified by applicants included: Indo-Canadian, West Indian, Chinese, Iranian, Tanzanian, Czech, mixed-race, atheist, Muslim, Jewish, Francophone, lesbian and gay. The Judicial Council notes these identities in its overall assessment of applicants, but does not assign any particular weight to any of them. Figure 4 summarizes the responses from 2014 and 2015.

The Judicial Council will continue to review and revise its processes to encourage a diverse range of applicants and to make merit-based recommendations that reflect the diversity of British Columbia's population.

**Figure 4: Diversity Responses in Judicial Applications (2014-2015)**

Diversity		Aboriginal	Ethnic/Minority	Other
2015	Total	0	5	6
	Male	0	2	3
	Female	0	3	3
2014	Total	2	12	4
	Male	0	4	1
	Female	2	8	3



# 4. APPOINTMENT PROCESS FOR JUDICIAL JUSTICES

In addition to judges, judicial justices are appointed by the Lieutenant Governor in Council on the recommendation of the Judicial Council. Judicial justices are assigned by the Chief Judge to preside over matters within their statutory jurisdiction, including traffic and other ticketable offences, some municipal bylaw matters, payment hearings in Small Claims Court, applications for bail and search warrants and, in Victoria's Integrated Court, managing cases, hearing preliminary matters and issuing warrants for failure to attend court.

## APPLICATIONS AND APPOINTMENT CRITERIA

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.

Applicants for appointment as a Judicial Justice must meet the following:

### Criteria:

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

### Competencies:

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





## ROLE OF THE JUDICIAL COUNCIL IN THE APPOINTMENT OF JUDICIAL JUSTICES

Applicants for appointment as a judicial justice submit a Judicial Candidate Information Summary, which they can download from the Provincial Court [website](#) (download [Doc file](#)).

When received, applications are initially investigated in a process similar to that for judges. The application and the investigation results are reviewed by the Council, or a select committee of the Council, to decide whether the applicant will be interviewed. The Council invites successful candidates to attend an 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 may reapply after three years from the date of their previous application, or the date of their interview, if any.

In 2015, one application was received, two were reviewed and one applicant was interviewed.

### Judge Sue Wishart

*President, Provincial Court Judges Association (2015) – Appointed to the Judicial Council January 1, 2015*

Being a member of the Judicial Council has been a fascinating experience. I am routinely impressed by the extent to which applicants contribute within their communities. In addition to being accomplished lawyers, many have not only devoted their time to volunteer work for various legal organizations but have also volunteered their time coaching or with service agencies within their community.

Each member of the Judicial Council brings something different to the judicial application process in terms of their background, experience and perspective. As a sitting judge, I am aware of the pace and workload of the court. This knowledge assists me in determining if an applicant has what it takes to be able to make decisions in a timely manner and effectively communicate her or his decision to the parties. These are skills that are not easy to assess based on the written application alone. The interview is the key part of the process for members of the Judicial Council to assess these and other important judicial traits.

It is a privilege to be a member of the Judicial Council and be a part of this important work.





# 5. APPOINTMENT PROCESS FOR JUSTICES OF THE PEACE

Justices of the peace fill several important functions within the British Columbia justice system, ranging from adjudicating some types of cases to managing and scheduling courts. More than 300 justices of the peace serve communities of every size throughout the province. Recently, their roles have undergone significant revision due to case law on the issue of judicial independence, and some justices of the peace, like judges, are now considered independent judicial officers. All are subject to the supervisory authority of the Chief Judge, and are appointed by the Lieutenant Governor in Council on the recommendation of the Judicial Council.

There are three kinds of justices of the peace, each with different assignments:

- **Justice of the Peace Adjudicators (JPAs)** preside at the Robson Square and Richmond court locations, hearing cases involving up to \$5,000. JPAs are senior members of the legal profession. They are required to hold a justice of the peace commission as part of their qualifications for the position.
- **Judicial Case Managers (JCMs)** are officers of the judiciary who manage cases and schedule judicial and initial hearings. They are assigned responsibilities by the Chief Judge. JCMs are required to hold a justice of the peace 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 be eligible to apply for a JP commission. The application proceeds through the Judicial Council approval process for justices of the peace described below.
- **Court Services Justices of the Peace** work in the court registries throughout the province. In addition to their JP duties 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:
  - Swearing informations and arranging to bring accused persons to court to answer new charges
  - Attending to the execution of court orders made by judges and judicial justices
  - Determining whether a person qualifies to be a “surety” to guarantee an accused person’s bail
  - Generally, performing other duties required of a “justice” under the Criminal Code that are primarily administrative in nature and do not require the exercise of material judicial discretion





## THE PROCESS FOR APPOINTMENT OF A JUSTICE OF THE PEACE

A court manager (or his or her designate) in the relevant court location contacts the JP Administrator at the Office of the Chief Judge (preferably in writing) when the court requires a JP appointment.

The candidate submits an application to the Judicial Council for appointment as a JP. When the application is received, the JP Administrator at the Office of the Chief Judge reviews it and obtains reference letters, a police record check, a credit history and a driving record.

The Regional Administrative Judge in the relevant region interviews the candidate. The applicant must successfully complete the JP basic training course and the final examination. The Judicial Council then considers the complete application and forwards the names of recommended applicants to the Attorney General for consideration for appointment by the Lieutenant Governor in Council.

In 2015, the Judicial Council reviewed 23 applications for appointment as a Court Services Branch justice of the peace and recommended 21 applications for appointment.

## Karin Kirkpatrick

*Lay appointee to the Judicial Council – Appointed to the Judicial Council July 8, 2011*

When I first joined the Judicial Council, I wasn't sure what to expect. In fact, I was a little intimidated by a group made up of judges and senior members of the legal community. However, I didn't need to worry. I was made to feel welcome and included in the process from day one. As a lay member of the Council, I believe I bring a somewhat different perspective to the process of reviewing judicial candidates. My role, as I see it, is to view the

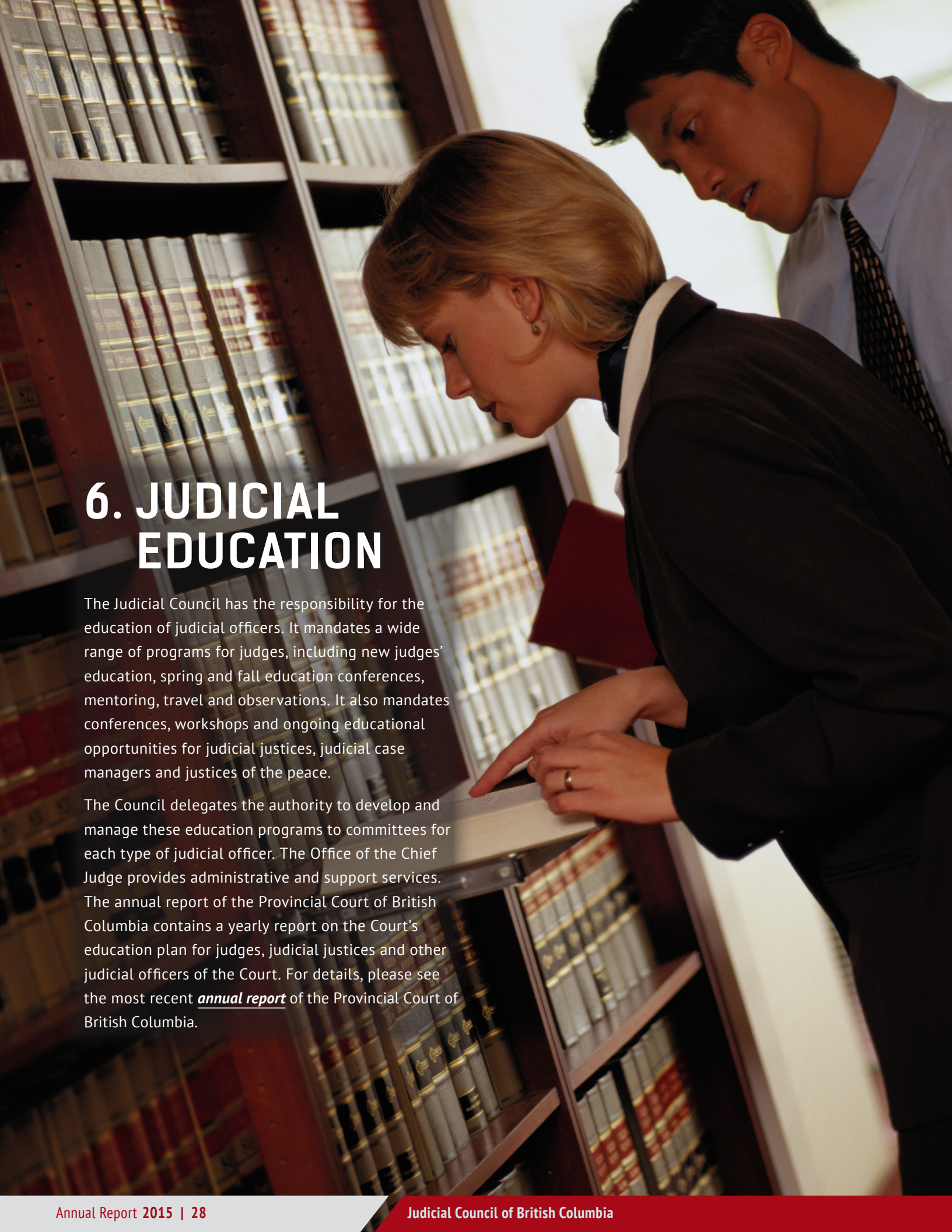


candidate not just through the lens of their legal experience, but through the lens of the public.

I have been most impressed with the calibre of candidates I have had the honour to interview. My own understanding of B.C.'s Provincial Court system and the important role it plays in society has dramatically increased.

The Judicial Council is a valuable part of the judicial system and I am very lucky to have had the chance to be involved.





## 6. JUDICIAL EDUCATION

The Judicial Council has the responsibility for the education of judicial officers. It mandates a wide range of programs for judges, including new judges' education, spring and fall education conferences, mentoring, travel and observations. It also mandates conferences, workshops and ongoing educational opportunities for judicial justices, judicial case managers and justices of the peace.

The Council delegates the authority to develop and manage these education programs to committees for each type of judicial officer. The Office of the Chief Judge provides administrative and support services. The annual report of the Provincial Court of British Columbia contains a yearly report on the Court's education plan for judges, judicial justices and other judicial officers of the Court. For details, please see the most recent [annual report](#) of the Provincial Court of British Columbia.



# 7. ETHICAL PRINCIPLES

**The Judicial Council has the responsibility of preparing and revising a judicial code of ethics. Judicial ethics reflect the context in which they were created, and must respond to changing circumstances.**

Provincial Court judges in B.C. were formerly guided by a Code of Judicial Ethics. This document was prepared by the judges of the Court and adopted by the Judicial Council. The Code was last amended in 1994. Recently both the Judicial Council and the judges and judicial justices of the Court felt that the principles guiding judicial behaviour should be reviewed. Following discussion with the judges and the judicial justices, the Judicial Council considered whether to revise the Code or adopt the *Ethical Principles for Judges*, published in 1998 by the Canadian Judicial Council.

The original purpose of the Principles was to provide ethical guidance for federally appointed judges. Over the past several years, a number of courts created by provincial and territorial governments have adopted the Principles. After considering the comments of the judges and judicial justices, the Judicial Council in December 2014 adopted the Ethical Principles for Judges as guiding principles for the judicial officers of the Provincial Court.

## Associate Chief Judge Gurmail S. Gill, Alternate Presiding Member

*Appointed to the Judicial Council June 24, 2010*

I have been privileged to serve as alternate presiding chair of the Judicial Council since 2010. During this time, I have had the opportunity to apply my experience of roughly 21 years on the bench to reflect on the essential qualities that make for a good judge. Identifying those qualities in individual applicants, aided by the collective dialogue around the Council table, is both a challenging and also a humbling experience. The collective dedication and breadth of knowledge among the members of the Council promotes discussions and debates embodying a core strength of the selection process.

Members of the public can be assured that, whether the Council is screening for the position of justice of the peace, judicial justice or Provincial Court judge, the Council selects only the highest quality candidates to join a judiciary that is independent, diverse and responsive to the needs of British Columbians.



# 8. COMPLAINTS

**Under the *Provincial Court Act*, the Chief Judge has the power and the duty to supervise judges, judicial justices and justices of the peace of the Court, and is required under section 22.1(1) 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, under section 22.1(2), 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 to determine whether the judicial officer is fit to perform his or her duties.

In the event that 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 the Judicial Council act as the tribunal for that inquiry. The alternative tribunal is a Justice of the Supreme Court, designated by the Chief Justice of the Supreme Court.

The Judicial Council's role with respect to public complaints involving judicial officers also includes the statutory object of improving the quality of judicial service. As Presiding Member of the Judicial Council, the Chief Judge reports to the Council as needed regarding certain complaints as they bear upon the Council's interest in the overall quality of judicial service.

In 2015, no formal inquiries into the fitness for office of a judicial officer came before the Judicial Council.

Complaints must be addressed to the Chief Judge and submitted in writing by one of the following:

**Email:** [info@provinciacourt.bc.ca](mailto:info@provinciacourt.bc.ca)

**Mail:**

**The Chief Judge of the Provincial Court of British Columbia  
Suite 337 - 800 Hornby Street  
Vancouver, British Columbia, Canada  
V6Z 2C5**

**Fax: (604) 660-1108**

The correspondence must include the complainant's name and mailing address, the name of the judicial officer being complained of, the court location, the court file number (if known), the date of the incident, and a description of the alleged misconduct in as much detail as possible. Anonymous complaints, or complaints without a return address, are not accepted.

More information is available at the [Complaints and Appeals](#) section of the Provincial Court [website](#).



# 9. FINANCIAL EXPENSES INCURRED BY THE JUDICIAL COUNCIL OF BRITISH COLUMBIA

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

For the year 2015, honoraria were paid to non-judicial members of the Judicial Council. The following table details all meeting honoraria paid to members of the Judicial Council in 2015.

Name	Allowable Honorarium Per Meeting	Meetings Attended	Total Remuneration
The Honourable Chief Judge T.J. Crabtree	\$0	12	\$0
The Honourable Associate Chief Judge G.S. Gill	\$0	11	\$0
The Honourable Judge S.E. Wishart (Provincial Court Judges Association of B.C. President, 2015)	\$0	12	\$0
Administrative Judicial Justice P. Schwartz	\$0	11	\$0
Ms. J. Lindsay, QC* (Law Society of B.C. Representative 2015)	\$250	11	\$2,625
Mr. A. Shorten, QC* (CBABC Branch President, 2015)	\$250	12	\$2,875
Ms. K. Kirkpatrick*	\$250	7	\$1,750
Mr. R. Rolls*	\$250	10	\$2,375
Mr. L. MacLean, QC*	\$250	10	\$2,375
The Honourable Judge D. St. Pierre (Provincial Court Judges Association of B.C. President)†	\$0	1	\$0
Ms. J. Chow (CBABC Branch President)* †	\$0	1	\$0

\* Non-judicial members of the Judicial Council are eligible for honoraria.

They received a half honorarium for the April 27 meeting, which was a one-hour meeting.

† Judge St. Pierre and Ms. Chow attended the Judicial Council as incoming members for 2016.

## 10. OTHER MATTERS

The Council is responsible for reporting to the Attorney General on matters the Attorney General considers necessary. No such matters were raised for action in 2015.

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## 11. PUBLIC ACCESS TO THE JUDICIAL COUNCIL

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

[info@provincialcourt.bc.ca](mailto:info@provincialcourt.bc.ca)

Or addressed to:

Judicial Council of British Columbia  
337 – 800 Hornby Street  
Vancouver, British Columbia V6Z 2C5

### Acknowledgements

- Judge Clifford MacArthur (retired) (Judicial Council photo, p. 7)
- Elisa Pacheco, Administrative Coordinator
- Richard Banner, Polestar Communications Inc.
- Barbi Braude, Digital Production



# APPENDICES



# APPENDIX A: ANALYSIS OF APPLICATIONS TO THE JUDICIAL COUNCIL

## APPLICATIONS AND OUTCOMES

Figure A.1 shows the history of applications, interviews and recommendations for appointment by the Judicial Council of British Columbia over a 10-year period. It indicates trends in application rates and a comparison of candidate approval rates. (These figures reflect the Council's activities in the year specified, which include reviews and interviews of applicants from the prior year. They do not reflect the results of applications made in a particular year.)

Figure A.1 shows that, while the number and gender distribution of applicants has remained generally constant, a greater proportion of female applicants has been recommended for appointment in recent years.

In 2015, the Judicial Council received 26 applications, reviewed 37 and approved 24 for an interview. The Council interviewed 27 applicants and recommended 16.

The number of applicants interviewed and recommended in 2014 rose significantly above the average because the Council wished to reduce the overall length of time the process takes. Having increased the number of applicants interviewed in 2014, the Council returned closer to its average number of interviews in 2015.

The average annual number of applications received per year for the last 10 years was 50.6. The three years with the highest number of applications received were 2007, with an all-time high of 89 applications; 2009, with 59 applications; and 2006, with 56 applications.

The average annual number of applications reviewed for interview over the last 10 years was 56. On average, 51 per cent, or 25.7 applicants per year, were approved for an interview.

Figure A.1: Applications for Appointment as a Provincial Court Judge (2006 – 2015)

Year	Applications Received			Applications Reviewed			Applicants Approved for Interview			Applicants Interviewed			Applicants Recommended			Appointments		
	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F
2015	26	12	14	37	13	24	24	9	14	27	9	18	16	6	10	13	6	7
2014	50	24	26	47	28	19	34	18	16	33	23	10	20	14	6	6	2	4
2013	46	33	13	48	33	15	33	20	13	24	11	13	11	4	7	10	5	5
2012	35	19	16	47	24	23	24	10	14	21	9	12	12	7	5	11	8	3
2011	44	26	18	52	35	17	25	16	9	21	17	4	12	9	3	6	5	1
2010	47	31	16	48	31	17	15	13	2	28	19	9	17	13	4	8	6	2
2009	59	39	20	86	52	34	27	16	11	21	13	8	7	5	2	4	2	2
2008	54	31	23	67	39	28	28	14	14	21	13	8	13	8	5	5	3	2
2007	89	57	32	80	48	32	27	19	8	25	16	9	11	8	3	7	6	1
2006	56	35	21	48	34	14	20	16	4	17	13	4	8	5	3	3	0	3
Average	50.6	30.7	19.9	56	33.7	22.3	25.7	15.1	10.5	23.8	14.3	9.5	12.7	7.9	4.8	7.3	4.3	3



## GENDER

According to the Law Society of British Columbia's 2013 Report on Performance, the legal profession comprises 38 per cent women. ("Profession" is defined as lawyers registered with the Law Society and practising.) According to the *2014-2015 Annual Report of the Provincial Court*, as of March 31, 2015, 39 per cent of full-time judges were female. The proportion of female judges appointed to the Court has increased in recent years.

In 2015, the Judicial Council recommended 16 applicants for appointment, 10 female and six male. These numbers equal 37 per cent of females interviewed and 22 per cent of males interviewed.

The number of both male and female applicants in 2015 was below the previous 10-year average, although the proportion of males to females shifted from an average of 61 per cent males to 46 per cent males in 2015.

Thirteen candidates from the roster of recommended applicants were appointed by the Lieutenant Governor in Council, seven female and six male.

## AGE AND GENDER

The average age of applicants to the Court in 2015 was 52 years. The average age of male applicants was 54, while the average age of female applicants was 51 years.

Figure A.2: Applicants by Age and Gender (2005 – 2014)

Year	Total	Male	%	Average Age	Female	%	Average Age
2015	26	12	46%	54	14	54%	51
2014	50	24	48%	52	26	52%	48
2013	46	33	72%	53	13	28%	51
2012	35	19	54%	56	16	46%	51
2011	44	26	59%	52	18	41%	51
2010	47	31	66%	52	16	34%	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	56	35	63%	52	21	38%	45

Note: Totals may not add up to 100% due to rounding.





## YEARS OF PRACTICE

From 2006 to 2015, applicants have had an average of 21.5 years of practice. Male applicants had an average of 23.3 years of practice, while female applicants had 19.6.

Of those who applied in 2015, female applicants had, on average, three years less practice experience (21 years) than their male counterparts (24 years).

Figure A.3: Applicants by Gender and Years of Experience (2006 – 2015)

Year	Gender	Applicants	Years of Practice
2015	Male	12	24
	Female	14	21
2014	Male	24	23
	Female	26	20
2013	Male	33	24
	Female	13	20
2012	Male	19	26
	Female	16	23
2011	Male	26	23
	Female	18	19
2010	Male	31	23
	Female	16	19
2009	Male	39	23
	Female	20	19
2008	Male	31	21
	Female	23	20
2007	Male	57	21
	Female	32	17
2006	Male	35	25
	Female	21	18
Average	Male	30.7	23.3
	Female	19.9	19.6
Average	Combined	50.6	21.5



## AREA OF PRACTICE

Applications to the Court come from various fields, such as private practice, public practice, Crown Counsel and other judicial appointments.

While applications from private practice tend to form about two-thirds of the total number, in 2015 they formed 46 per cent. Crown Counsel formed 35 per cent and applications from other areas formed 19 per cent of the total number in 2015.

Figure A.4: Applicants by Gender and Area of Practice (2006 – 2015)

Type of Practice		Private	Crown Counsel	Other Areas
2015	Total	12	9	5
	Female	6	2	4
	Male	6	7	1
2014	Total	28	18	4
	Female	12	11	1
	Male	16	7	3
2013	Total	34	8	4
	Male	28	1	4
	Female	6	7	0
2012	Total	19	10	6
	Male	10	4	5
	Female	9	6	1
2011	Total	27	12	5
	Male	16	6	4
	Female	11	6	1
2010	Total	30	10	7
	Male	22	5	4
	Female	8	5	3
2009	Total	32	11	16
	Male	24	6	9
	Female	8	5	7
2008	Total	33	15	6
	Male	20	9	2
	Female	13	6	4
2007	Total	61	18	10
	Male	41	13	3
	Female	20	5	7
2006	Total	33	15	8
	Male	18	11	6
	Female	15	4	2
<b>Average Number</b>		<b>30.9</b>	<b>12.6</b>	<b>7.1</b>
<b>% of Average Total</b>		<b>61%</b>	<b>25%</b>	<b>14%</b>



## NEW APPLICATIONS AND REAPPLICATIONS

Figure A.5 compares the number of new applications and reapplications for judicial appointment.

The annual number of new applicants has been relatively stable, with the exception of a significant spike in 2007, following which the number of new applications returned to the pre-2007 levels. In 2015, the number of new applicants was significantly below the 10-year average, with 19 applications compared to the average of 32.

In 2015, the number of applicants re-applying to the Judicial Council after previously being unsuccessful was also lower than average. (“Unsuccessful” applicants include those not granted an interview, as well as those interviewed but not recommended or appointed.)

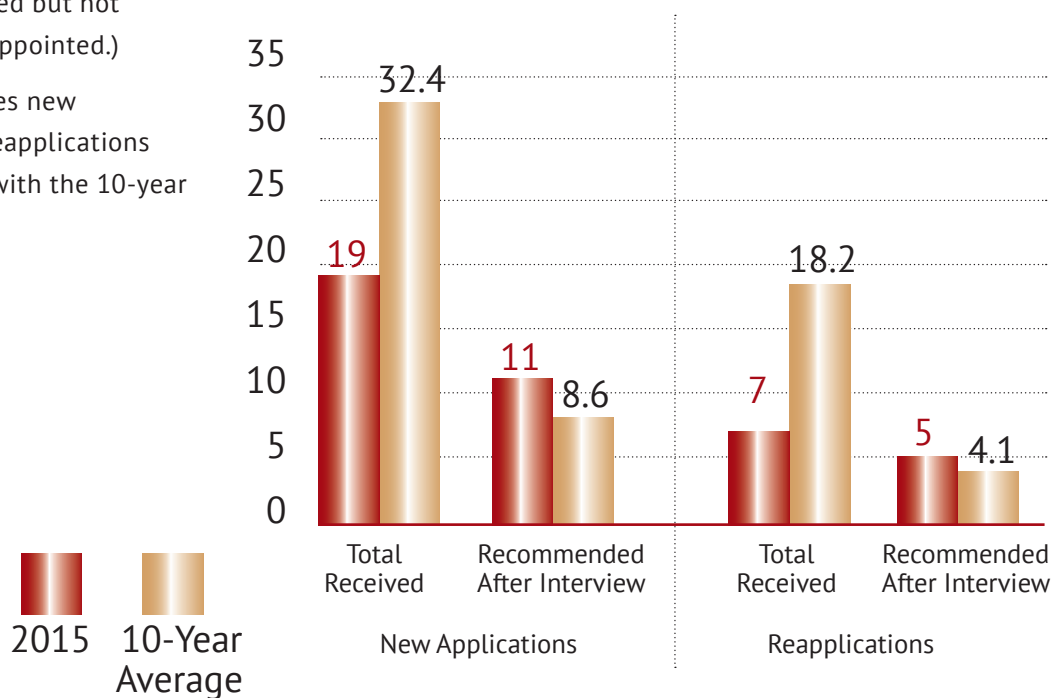
Figure A.6 compares new applications and reapplications for the year 2015 with the 10-year average.

Figure A.5: New Applications and Reapplications by Year (2006 – 2015)

	New Applications		Reapplications	
	Total Received	Recommended After Interview	Total Received	Recommended After Interview
2015	19	11	7	5
2014	34	10	16	10
2013	22	9	24	2
2012	21	8	14	4
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	44	7	12	1
<b>Average Number</b>	<b>32.4</b>	<b>8.6</b>	<b>18.2</b>	<b>4.1</b>
<b>% of Average Total</b>		<b>27%</b>		<b>23%</b>

Not all persons applying in any given year had been interviewed by the end of the year.

Figure A.6: New and Reapplications by Year (2015 and 10-Year Average)







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

[info@provinciacourt.bc.ca](mailto:info@provinciacourt.bc.ca)

Or addressed to:  
Judicial Council of British Columbia  
337 – 800 Hornby Street  
Vancouver, British Columbia V6Z 2C5