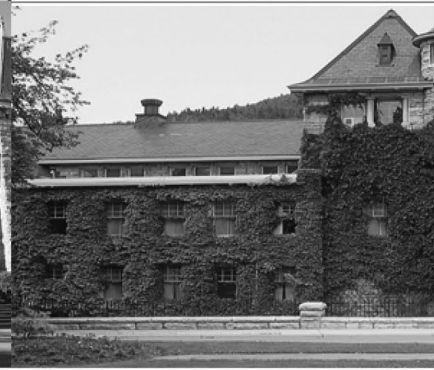


Provincial Court
of British Columbia

ANNUAL REPORT 2016/2017





CONTACT THE OFFICE OF THE CHIEF JUDGE

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

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

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

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

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

CONTENTS



6 MESSAGE FROM THE
CHIEF JUDGE

8 EXECUTIVE SUMMARY

14 THE PROVINCIAL COURT
OF BRITISH COLUMBIA

19 JUDICIAL OFFICERS

23 OFFICE OF THE CHIEF
JUDGE AND GOVERNANCE

27 JUDICIAL COMPLEMENT

33 THE COURT'S CASELOAD

41 OPERATIONAL COURT
STANDARDS

50 SELF-REPRESENTED
LITIGANTS



CONTENTS



52 COURT COMMITTEES

58 INNOVATION

67 FINANCIAL REPORT

69 COMPLAINTS



70 APPENDIX 1: JUDICIAL OFFICERS

85 APPENDIX 2: REDUCTIONS TO
THE JUDICIAL COMPLEMENT

87 APPENDIX 3: COMPLAINT
SUMMARIES



96 APPENDIX 4: TIME TO TRIAL
DEFINITIONS, WEIGHTING
AND STANDARDS

MESSAGE FROM THE CHIEF JUDGE



I am proud of the ongoing efforts of the Provincial Court of British Columbia, its judicial officers and staff to deliver a fair, accessible, efficient, and innovative forum of justice for British Columbians, and pleased to offer this report on the Court's activities and accomplishments during the fiscal year 2016/17.

The Court's judicial complement (the number of judges) remained almost constant again this year. While we welcomed the appointment of fifteen new judges, fourteen retired, two judges elected to work part time in the Senior Judges Program, and one was appointed to the Supreme Court of British Columbia.

Judges Gurmail Gill and Nancy Phillips completed seven-year terms as Associate Chief Judges in 2016. I was both supported and guided by their experience and wise counsel. The successes achieved by the Court during their terms as Associate Chief Judges were made possible by their tireless efforts and a collective approach to governance. I wish to express my appreciation for their outstanding contributions to the Court and to public service.

Judges Melissa Gillespie and Susan Wishart accepted appointments as Associate Chief Judges in April and May 2016, respectively. Associate Chief Judge Gillespie has been delegated responsibility for Judicial Administration and Associate Chief Judge Wishart for General Administration. Both have demonstrated amazing energy, continuing to preside in court regularly in addition to their varied administrative duties.

The Court demonstrated its commitment to innovation, openness and community engagement throughout the year. During Law Week in April 2016 we held the first court Twitter Town Hall in Canada. For a two-hour period, I tweeted responses to questions submitted by the public on Twitter or by email.

The collaborative process needed to develop an effective specialized court often takes several years. I have continued to work with Indigenous communities interested in developing First Nations Courts. I also met with the Canadian Senate's Standing Committee on Legal and Constitutional Affairs to inform them about the Court's work and show them our Downtown Community Court and Drug Treatment Court in action.

Other distinguished guests who visited the Court this year included Lord Justice Briggs of the Court of Appeal of England and Wales who conducted a review of the civil courts' structure in England and Wales, and met with us to learn about plans for transition of cases from B.C.'s online Civil Resolution Tribunal, scheduled to open in 2017, to the Court. Delegates from the State Court of Singapore visited our Small Claims Court and Downtown Community Court. We also hosted a week-long study program for judges from Guyana as part of a Justice Education Society project to help Guyana strengthen its criminal justice system.

Then, in the fall, we hosted judges from across Canada at an educational program when one of the Court's two annual conferences was combined with the annual conference of the Canadian Association of Provincial Court Judges. The Canadian Council of Chief Judges also met during this time.

Judges are accountable through disciplinary processes under the Provincial Court Act as well as through appeals of their decisions to higher courts. In order to maintain confidence in the judiciary, this accountability must be transparent. I therefore share the results of investigations of complaints about Judges and Judicial Justices made in 2016 in this report. When litigants express their concerns through the complaint process, it provides valuable corrective and learning opportunities for the judicial officers involved and for me. It can also indicate areas where Court-wide judicial education would be helpful.

The eNews articles on the Court's website have described some of the Judges and other judicial officers who volunteer considerable portions of their own time to serve on Court committees and justice-related organizations, contribute to the education of their colleagues, and volunteer in their own communities. There are many, many more whose contributions are unsung, and I am proud of the contributions of all my colleagues.

Every day, the Court's Judges, Judicial Justices and staff show their dedication to public service and commitment to delivering justice in more than 80 Provincial Court locations around B.C. Each year my appreciation for their hard work, commitment and dedication grows.

Thomas J. Crabtree

EXECUTIVE SUMMARY

The Provincial Court of British Columbia is committed to serving the public by providing an accessible, fair, efficient and innovative forum for justice that:

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

The Court deals with criminal, family, child protection, civil, youth, traffic and bylaw matters under federal and provincial laws.

During the 2016/17 fiscal year the Court developed or moved forward with innovative initiatives including guidelines for self-represented litigants bringing support persons to help them in court, the Aboriginal Family Healing Court Conference project in New Westminster, increased use of video appearances to further reduce prisoner transport costs, and a Twitter Town Hall. Its specialized courts around the province continued to address community problems with therapeutic approaches.



THE COURT'S JUDICIAL OFFICERS

Provincial Court Judges, Judicial Justices, and Justice of the Peace Adjudicators are appointed by the government of British Columbia to exercise powers given to them under federal and provincial laws.

Judges

In the 2016/17 fiscal year:

- more female than male Judges were appointed;
- most Judges were aged between 51 and 65;
- the average daily number of full-time equivalent Judges (the number of Judges adjusted to reflect the part-time work done by Senior Judges¹) was the second highest in the past five years.

While active² male Judges still outnumber active female Judges on the Court, of the 49 Judges appointed during the past five fiscal years, nearly half (24) have been women.

About 20% of the Court's complement of Judges worked part-time as Senior Judges.

Other Judicial Officers

As of March 31, 2017 there were:

- 32 full-time and part-time Judicial Justices, who hear traffic and ticketable offence trials under provincial laws, bail and search warrant applications, and preliminary matters in specialized courts. Gender distribution was close, with 15 female and 17 male Judicial Justices.
- 8 part-time Justice of the Peace Adjudicators who hear simplified civil trials in Vancouver and Richmond.
- 51 Judicial Case Managers who preside in Initial Appearance and Assignment Courts, working full- or part-time, or as auxiliaries.

THE COURT'S CASELOAD

Almost 200,000 new cases were initiated in the Provincial Court in 2016/17. About two thirds of these new cases involved adult criminal, child protection, family, youth criminal or small claims matters dealt with by Judges. The remaining cases were traffic and by-law matters usually dealt with by Judicial Justices.

- The Court handled approximately one new case per 40 British Columbians in 2016/17.
- Excluding traffic and bylaw matters, criminal cases continued to account for more than half the Court's new caseload, family cases about a third, and small claims cases about a tenth.
- The volume of new adult criminal and child protection cases increased again this year, offsetting declines in youth criminal, family, small claims, traffic, and by-law cases. The

¹ Judges 55 or older with at least 10 years of service may elect to sit part-time as Senior Judges.

² The term "active" excludes Judges on long term disability.

*Revelstoke*

numbers of adult criminal and child protection cases are at their highest levels in the past five years, while small claims cases are at their lowest point in that period.

- The Fraser Region continued to have the highest new caseload.

Using telephone and videoconferencing, the Provincial Court's Justice Centre provides access throughout the province to Judicial Justices for bail hearings seven days a week from 8:00 a.m. to 11:00 p.m. Judicial Justices are also available 24 hours a day for search warrant applications. In 2016/17, 23,129 bail hearings were held and 10,604 warrants were issued through the Justice Centre, both numbers up over last year.

OPERATIONAL COURT STANDARDS

Since 2004 the Court has developed operational standards to enable it to assess its ability to manage its caseload effectively. This year's data shows:

- a 4% improvement over last year in the number of concluded adult criminal cases relative to new cases, reversing a previous slight downward trend;
- 71% of adult criminal cases concluded within 180 days, a result short of the Court's standard of 90%;

- only lengthy small claims trials met the Court's time to trial standards, although time to family and small claims settlement conferences decreased
- the Court bettered its standard for pending cases, with pending dates under 240 days in 65% of adult criminal cases.

Trial event data shows the number of family and small claims trials that do not proceed on the first day of trial, with adjournments increasing in family cases and 'other causes' increasing in small claims court. The rate of cases that did not proceed due to lack of judicial resources decreased in criminal and family matters but increased in small claims.

SELF-REPRESENTED LITIGANTS

The number of court appearances by self-represented litigants decreased by 1% over the last fiscal year, resuming a previous downward trend that was interrupted last year.

THE COURT'S GOVERNANCE AND COMMITTEES

Judicial officers with administrative responsibilities participated in the Governance, Judicial Administration, Judicial Justice Administration, and Executive Operations Committees that assist the Chief Judge in the Court's governance and administration.

Judges and Judicial Justices contribute their time to a variety of other hard-working committees including:

- Criminal Law Committee
- Family Law Committee
- Civil Law Committee
- Judges Technology Working Group.

INNOVATING TO IMPROVE ACCESS TO JUSTICE

Access to Justice BC

The Court participates with a wide variety of court users and interested sectors in this action-oriented committee dedicated to improving access to justice in the province. This year the Committee's work focused on the family justice system and it supported initiatives to promote availability of unbundled legal services.

The Court also developed [Guidelines for Using a Support Person in Provincial Court](#) to provide self-represented litigants with some certainty about when they can have a support person help them and the scope of that help.

Justice Summits

The Chief Judge and the Court's Legal Officers attended two Justice Summits on justice, mental health and substance use.

Specialized Courts

The Court's specialized courts continued to use therapeutic approaches to address community problems more effectively.

- Vancouver's Downtown Community Court dealt with 2,147 individuals in 2016. Significant numbers of people found housing, were referred to training programs, and performed community work service through its programs.
- On average, 48 to 50 people participated in the Drug Treatment Court program each month this year. Eight participants successfully completed all four phases of the program and graduated.
- Victoria Integrated Court's caseload increased this year, after a decrease in 2015. Its working group focused on housing and mental health issues.
- Domestic Violence Courts in the Cowichan Valley and Nanaimo



Rossland

continued to blend expedited case management with problem-solving and treatment, while expedited case management continued in domestic violence cases in Kelowna, Penticton and Kamloops. In May of 2016 a domestic violence initiative was undertaken at the Surrey Courthouse in which all domestic violence cases are assigned to one courtroom to deal with front end appearances.

First Nations Courts continued to operate in four B.C. communities. Consultations took place with other First Nation communities to explore the feasibility of similar courts in those communities.

Aboriginal Family Healing Court Conference

The Provincial Court collaborated with Indigenous Elders and three provincial government ministries to launch this pilot project in New Westminster in

January 2016. In this fiscal year the project worked to reduce the over-representation of Aboriginal children in care by providing their families with support, flexibility, choice and cultural connection before, during and after case conferences held under the [Child, Family, and Community Service Act](#).

Video Conferencing

This year the use of video technology saved 37,304 transports for prisoners required to appear in court for preliminary matters, an increase of 7,799 over last year. The Court believes that expanding video capacity to all staffed courthouses and most circuit locations would further reduce prisoner and witness transportation costs and enhance access to justice.

UBC Judicial Externship Program

The Court continued its partnership with the Peter A. Allard School of Law at the University of British Columbia. Law students intern with the Court in the fall and spring terms, obtaining a unique

perspective on the court system while assisting judges with research and other tasks. They observe court proceedings, including circuit court sittings in remote locations.

Communications Initiatives

The Court solidified its growing reputation as a justice system leader in digital communications by:

- holding the first court Twitter Town Hall in Canada and maintaining an active and engaging Twitter [account](#);
- adding information to its public [website](#), including new resources for self-represented litigants and information requested by media;
- continuing to post weekly [eNews](#) articles on its website, of interest to a growing readership; and
- launching a new internal website.

FINANCES

With a budget of \$56,143,542 for 2016/17, the Court's actual expenses were \$55,625,131. Delays in judicial appointments and staff hiring accounted for most budget savings.

CONFIDENCE IN THE JUSTICE SYSTEM

The complaints process established by the [Provincial Court Act](#) maintains public confidence in the justice system by giving people the means to criticize judicial officers formally if they believe their conduct is inappropriate.

The Office of the Chief Judge received 336 letters of complaint in 2016. While that is a marked increase over the previous year, 313 were found not to be matters the Chief Judge could review, with most amounting to appeals from a judicial decision which must be taken to an appeal court. Examinations of the remaining complaints were begun, and 27 examinations (including some begun the previous year) were completed and resolved in 2016.



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

David Billinsky, SLAW, Canada's Online Legal Magazine, March 29, 2017

THE PROVINCIAL COURT OF BRITISH COLUMBIA

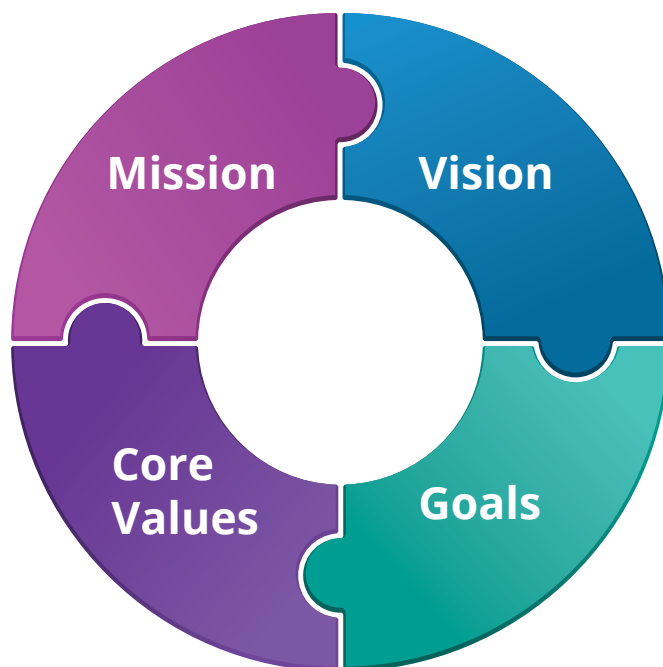
The Provincial Court is a statutory court created by the *Provincial Court Act*. Judges of the Court are appointed by the provincial government and exercise powers given to them by laws enacted by the federal and provincial governments.

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

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

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





MISSION

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

VISION

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

CORE VALUES

Independence • Fairness • Integrity • Excellence

GOALS

- excel in the delivery of justice;
 - enhance meaningful public access to the Court, its facilities and processes;
 - anticipate and meet the needs of society through continuing judicial innovations and reform;
 - ensure that administration and management of the Court is transparent, fair, effective and efficient, consistent with the principles of judicial independence.
-

JUDICIAL INDEPENDENCE - THE CORNERSTONE

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

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

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

To guarantee the right to an independent and impartial judiciary, the law in Canada

has constitutional protections or "essential conditions" that ensure judicial independence. These are security of tenure, financial security and administrative independence.

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

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

JURISDICTION - THE COURT'S WORK

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



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

CRIMINAL MATTERS

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

FAMILY MATTERS

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

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

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

YOUTH COURT MATTERS

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

SMALL CLAIMS MATTERS

In 2016/17 the Provincial Court had jurisdiction to hear civil lawsuits involving a monetary claim of up to \$25,000. The [Small Claims Act](#) and [Small Claims Rules](#) establish procedures intended to resolve claims in a just, speedy, inexpensive and simple manner, so that people may launch and defend lawsuits without lawyers if they choose. In addition to conducting trials of civil lawsuits and hearing applications, Provincial Court Judges conduct settlement conferences where Small Claims litigants are given the opportunity to settle their disputes by agreement.

TRAFFIC & BYLAW MATTERS

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

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

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

Sitting Locations of the Provincial Court - By Region



JUDICIAL OFFICERS

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

CHIEF JUDGE

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

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

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

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

Former Chief Judges have helped shape the duties and underscore the prominence of the Chief Judge's position, and all have contributed to the current structure and administration of the Court. The current Chief Judge is the Honourable Thomas J. Crabtree.

ASSOCIATE CHIEF JUDGES

Under section 10(1) of the [Provincial Court Act](#), Associate Chief Judges (ACJs) are designated by the Lieutenant Governor in Council, usually for a term of three years, which may be renewed. Subject to the direction of the Chief Judge, an Associate Chief Judge has the same powers and duties as the Chief Judge. In 2016/17 the Provincial Court's Associate Chief Judges were the Honourable Nancy N. Phillips until April 15, 2016 and the Honourable Gurmail S. Gill until June 30, 2016, the Honourable Susan E. Wishart and the Honourable Melissa A. Gillespie.

REGIONAL ADMINISTRATIVE JUDGES

In 2013, the Provincial Court reorganized its twelve districts to form five regions: Vancouver Island, Vancouver, Fraser, Interior and Northern. As a result, Regional Administrative Judges are now appointed for a specified term by the Chief Judge pursuant to section 10(1) of the [Provincial Court Act](#).

PROVINCIAL COURT JUDGES

The Lieutenant Governor in Council appoints Provincial Court Judges on the recommendation of the [Judicial Council of B.C.](#), pursuant to section 6(1) of the [Provincial Court Act](#). The Judicial Council's annual reports provide details of the appointment process and analysis of application trends. When appointed, each Judge is assigned an office in a particular judicial region, though many Judges are required to travel regularly to other areas, in order to meet the demand

for Judges in the more than 80 locations where Provincial Court is held.

Most Provincial Court Judges work full-time. However, Judges aged 55 or older, with at least 10 years of service, may apply to the Senior Judges Program and elect to hold office as a part-time Judge.

Judges conduct trials and other proceedings in criminal, youth, family, and civil matters. They also perform judicial mediation in family and civil settlement conferences. Judges also do considerable work outside the courtroom – researching law, judgment writing, public speaking and committee work. See [Appendix 1](#) for a complete list of all Provincial Court Judges as of March 31, 2017.

Judicial Education

The Court has a very active and long standing commitment to judicial education. Prior to their appointments, most judges have worked, on



*Nelson*

average, 15 to 20 years as a lawyer. In addition to expertise in legal subject areas, judges bring with them a wealth of experience in dealing with people and an understanding of the social issues faced by many people who appear in Provincial Court. Newly appointed judges have an orientation period immediately following their appointment of two to three weeks during which time they “shadow” colleagues. Informal mentoring by more senior Judges is organized and made available to new appointments. During their first year, Judges attend two programs specifically designed for new Provincial Court Judges from across Canada. Both programs are five days in length with one focusing on criminal law topics and the other focusing on judicial skills such as communication, judgment writing, mediation, dealing with self-represented litigants and a session on judicial ethics.

The Court is also committed to continuing education for all Judges. The Education Committee of the B.C. Provincial Court Judges Association organizes five days of judicial education each year through a spring and fall conference that all Judges attend. The programs are intensive and education is offered in substantive law, judicial skills, and social context education. For a list of conference topics for 2016/17 please see the [Judges’ Education Committee](#) section in this report.

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

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

JUDICIAL JUSTICES

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

Under Section 11 of the *Provincial Court Act*, the duties of an Administrative Judicial Justice include assisting the Chief Judge and Associative Chief Judge in matters relating to Judicial Justices. In 2016/2017 there was an Administrative Judicial Justice assigned to criminal matters at the Justice Centre and an Administrative Judicial Justice assigned to the traffic division located at Robson Square. [Appendix 1](#) lists all Judicial Justices as of March 31, 2017.

The Court is committed to continuing education for all Judicial Justices. The Judicial Justices' Education Committee organizes five days of education each year through a spring and fall conference that all Judicial Justices attend. For a summary of conference topics for 2016/17 please see the [Judicial Justices' Education Committee](#) section of this report. In addition to the five days of education, each Judicial Justice is entitled to two days of education leave per year to attend conferences or programs as the Judicial Justice deems appropriate to fulfill his or her particular needs and interests. Costs for these two days of education leave are paid for out of the Judicial Justice's professional development allowance.


JUSTICE OF THE PEACE ADJUDICATORS

Justice of the Peace Adjudicators are senior lawyers appointed on a part-time (per diem) basis under the *Provincial Court Act*. They hear civil cases having a monetary value up to \$5,000 in the Robson Square and Richmond courthouses. As of March 31, 2017, there were eight Justice of the Peace Adjudicators of the Provincial Court and they are listed in [Appendix 1](#).

JUDICIAL CASE MANAGERS

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

Judicial Case Managers must hold a Justice of the Peace Commission and exercise judicial discretion and authority within their assignment. Trial scheduling reforms expanded their duties to include presiding in Assignment Courts in the Province's seven busiest courthouses, in addition to presiding in Initial Appearances Courts. As of March 31, 2017, there were 32 full-time and 13 part-time JCMs, as well as six auxiliary JCMs. See [Appendix 1](#) for a complete list.



“ In addition to expertise in legal subject areas, judges bring with them a wealth of experience in dealing with people and an understanding of the social issues faced by many people who appear in Provincial Court.

OFFICE OF THE CHIEF JUDGE AND GOVERNANCE

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

Areas of responsibility of the OCJ include:

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

The OCJ is traditionally the location where Swearing-In Ceremonies are held for new judicial officers. These are private ceremonies for the family, close friends and associates of new appointees. The Court also schedules a public welcoming ceremony in the location where the Judge is assigned to sit.

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

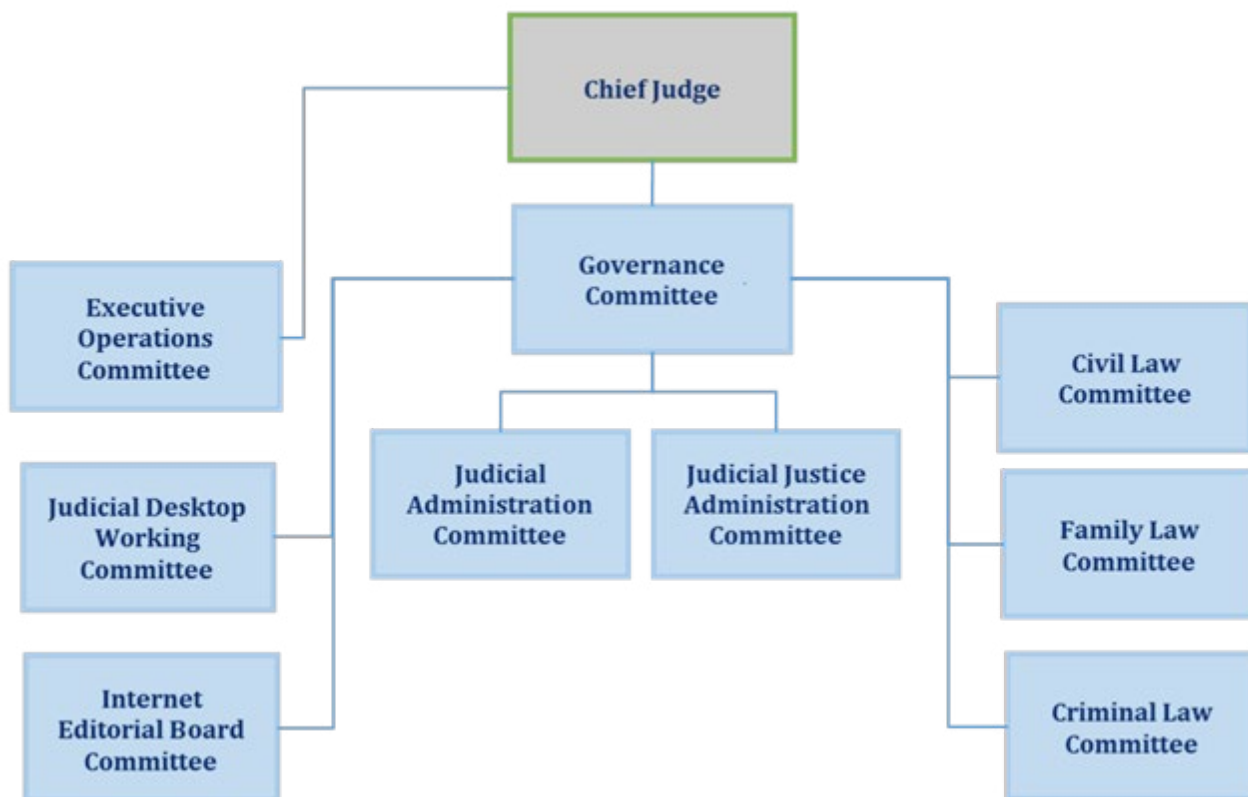
GOVERNANCE

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

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

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

FIGURE 2 - GOVERNANCE STRUCTURE OF THE PROVINCIAL COURT



Governance Committee

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

It is chaired by Chief Judge T. Crabtree and includes:

- Associate Chief Judges S. Wishart and M. Gillespie
- the Executive Director of Organizational Services, Mr. C. Wilkinson
- the five Regional Administrative Judges: M. Brecknell (Northern Region); R. Higinbotham (Vancouver Island Region); R. Hamilton (Fraser Region); R. Low until June 30, 2016 (Vancouver Region); J. Wingham as of July 1, 2016 (Vancouver Region); R. Smith until January 31, 2017 (Interior Region); E. Burdett as of February 1, 2017 (Interior Region).

Judicial Administration Committee

The Judicial Administration Committee (JAC) provides advice to the Chief Judge on emerging issues occurring in one or more of the Province's five judicial regions, policy development and other administrative matters. The JAC meetings are held in-person four times per year at the OCJ, once at each of the Judges' spring and fall conferences, and bi-weekly by videoconference. At this point in time, its membership is the same as that of the Governance Committee. In 2016/2017 the JAC Committee was chaired by Associate Chief Judge Gill until May 11, 2016 and thereafter by Associate Chief Judge Gillespie.

In the 2016/17 fiscal year, the JAC:

- continued its ongoing review and development of the Court's policies, including a complete review of the Court's finance policies;
- continued to refine timelines to support the development and publication of the Courts' schedules to ensure that an even distribution of judicial services are available throughout the year;
- provided guidance to Judicial Case Managers in the ongoing development of policies and best practices relating to scheduling cases in the Provincial Courts after the implementation of the Provincial Court Scheduling System;
- provided advice to the Chief Judge about creating and issuing Notices to the Profession, including Notices about recording proceedings conducted before a JCM in Initial Appearance Courtrooms across the province, and about the use of support persons by self-represented litigants in family and small claims proceedings in Provincial Courts; and
- developed new time to trial measures and standards in all divisions of the Provincial Court and began reporting on these new measurements and standards.

Informational updates have been provided throughout the year to Judges on topics including: safety issues that arise for all Court participants when fentanyl is brought into Courthouses; shortages of Court Service Branch resources that impact on court sitting time and availability; and changes in the law relating to timely trials being set.

A series of webinars have been presented this year to Judges to enhance the continuing education opportunities in varied topics relating to ongoing changes in the law and judicial policies. There are also a number of new webinars being developed for the upcoming year based upon successfully completed work in 2016/17.

JAC continues to support the Court's technological advancements. This year, in conjunction with Court Services Branch, more Court documents are now available electronically. Electronic records of proceedings are replacing paper records in many Court locations in the province.



Members of the Court's Governance and Judicial Administration Committees
 Back row left to right: RAJ J. Wingham; Executive Director of Organizational Services C. Wilkinson; RAJ R. Hamilton; and RAJ R. Smith.
 Front row left to right: Chief Judge T. Crabtree; ACJ M. Gillespie; RAJ M. Brecknell; and ACJ S. Wishart
 Missing from photo: RAJ R. Higinbotham; RAJ R. Low; RAJ E. Burdett

Judicial Justice Administration Committee

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

Executive Operations Committee

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

JUDICIAL COMPLEMENT

Judicial complement refers to the number of judicial full time equivalents (JFTEs³) available to the Provincial Court. This is distinct from the number of Judges, as some work part time. As of March 31, 2017 there were 113 full-time Judges (FT), 30 Senior Judges, and one Judge sitting part time in the Provincial Court.⁴ This equates to a complement of 127.10.

During the 2016/17 fiscal year:

- 14 Judges were appointed;
- 2 Senior Judges were re-appointed under [s. 6\(1\)\(b\) of the Provincial Court Act](#)⁵;
- 14 Judges retired;
- 2 Judges elected to participate in the Senior Judges' Program⁶; and
- 1 Judge was appointed to the B.C. Supreme Court.

Changes to the Provincial Court's complement are reported every month in a Judicial Complement Report on the Court's website. Figure 3 lists the Judges appointed during 2016/17. A list of complement reductions appears in [Appendix 2](#).



This year, in conjunction with Court Services Branch, more Court documents are now available electronically. Electronic records of proceedings are replacing paper records in many Court locations in the province.

³ JFTE is calculated based on the number and status of Provincial Court Judges. Full Time Judges are counted as 1, Senior Judges are counted as 0.45, and any Part Time Judges are counted according to their sitting time as a proportion of a Full Time Judge. Complement numbers do not include Judges on long term disability.

⁴ Judges are listed in [Appendix 1](#)

⁵ These one-year reappointments assist the Court to deal with short-term needs such as Judges' illnesses.

⁶ This program allows Judges 55 years or older with at least 10 years' service to continue sitting on a part time basis.

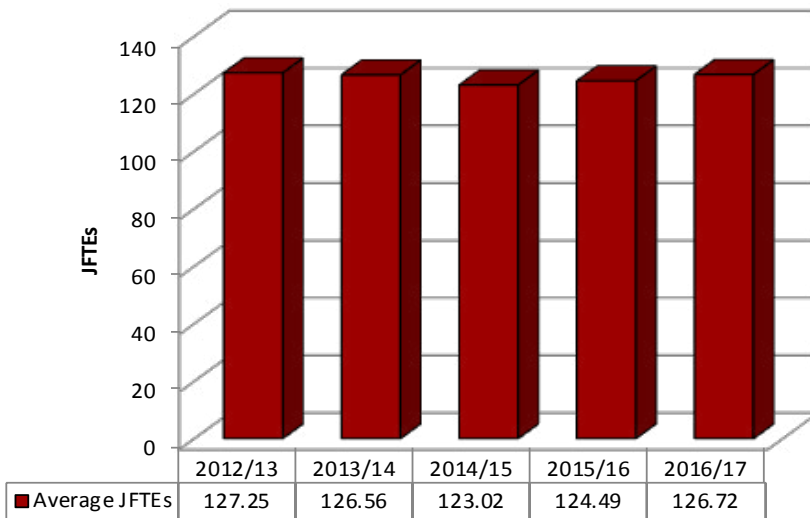
FIGURE 3 - JUDGES APPOINTED IN 2016/17

JUDGE	JUDICIAL REGION	DATE
Judge William MacDonald*	Fraser	28-Apr-16
Judge Catherine Crockett	Vancouver Island	2-May-16
Judge Brian Harvey	Vancouver Island	2-May-16
Judge Wilfred Klinger*	Interior	13-Jun-16
Judge Jennifer Barrett	Vancouver Island	20-Jun-16
Judge Robert Gunnell	Fraser	27-Jun-16
Judge Karen Whonnock	Northern	08-Aug-16
Judge Robin McQuillan	Port Coquitlam	15-Aug-16
Judge Cathie Heinrichs	Interior	03-Jan-17
Judge Cassandra Malfair	Northern	09-Jan-17
Judge Susan Mengerling	Northern	09-Jan-17
Judge Brian Hutcheson	Vancouver Island	16-Jan-17
Judge Peter La Prairie	Fraser	16-Jan-17
Judge Lynal Doerksen	Interior	30-Jan-17
Judge Patricia Stark	Fraser	30-Jan-17
Judge Nancy Adams	OCJ	21-Mar-17

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

The monthly Judicial Complement Reports represent a snapshot in time, which can be influenced by the timing of appointments or retirements. Average daily complement, calculated over the course of a year, is less likely to be influenced in this way and can therefore, provide a more accurate gauge of complement over time. The average daily complement for 2016/17 was 126.72, the second highest in the past five years.

FIGURE 4 - AVERAGE DAILY JUDICIAL COMPLEMENT, 2012/13 - 2016/17

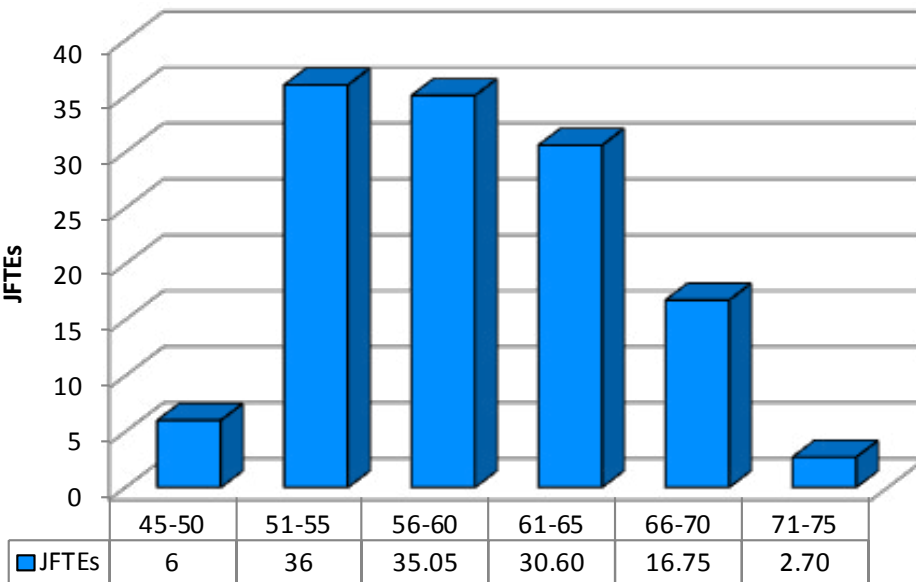


DEMOGRAPHICS OF JUDGES

Age

As of March 31, 2017, most Provincial Court Judges were between the ages of 51 and 65, with an overall average and median age of 60 years - the same as 2015/16. Figure 5 shows the JFTE⁷ by age category in five-year groups.⁸

FIGURE 5 - JFTE BY AGE CATEGORY

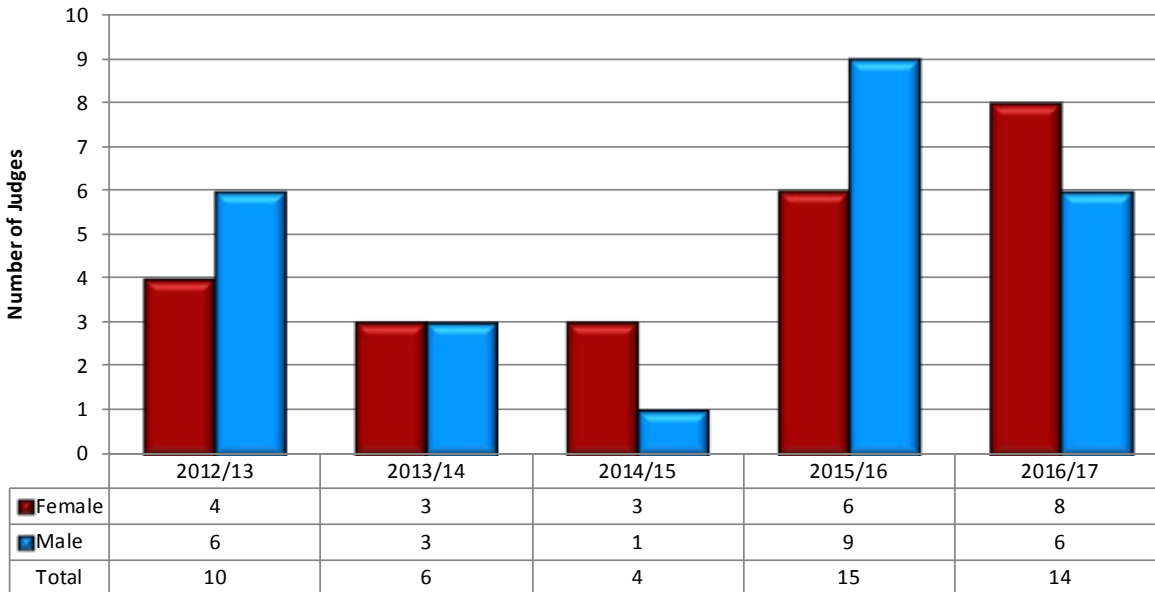


⁷ JFTE can decline with age as more Judges choose to participate in the Senior Judge Program (a Senior Judge is counted as 0.45 of a JFTE).
⁸ The age categories have changed slightly from last year to account for the appointment of a Judge who was 45, making the first age category six years, rather than five.

Gender

Of the 49 Judges appointed during the past five fiscal years, nearly half (24) have been women.

FIGURE 6 - JUDGES BY GENDER AND YEAR OF APPOINTMENT



Active⁹ male Judges continue to outnumber active female Judges in the Provincial Court. As of March 31, 2017 there were 1.8 active male Judges for every active female Judge.

FIGURE 7 - PERCENTAGE OF JUDGES BY GENDER AND STATUS¹⁰

GENDER	FULL TIME		SENIOR		JFTE	
	#	%	#	%	#	%
Male	67	59%	25	83%	78.25	62%
Female	46	41%	5	17%	48.25	38%

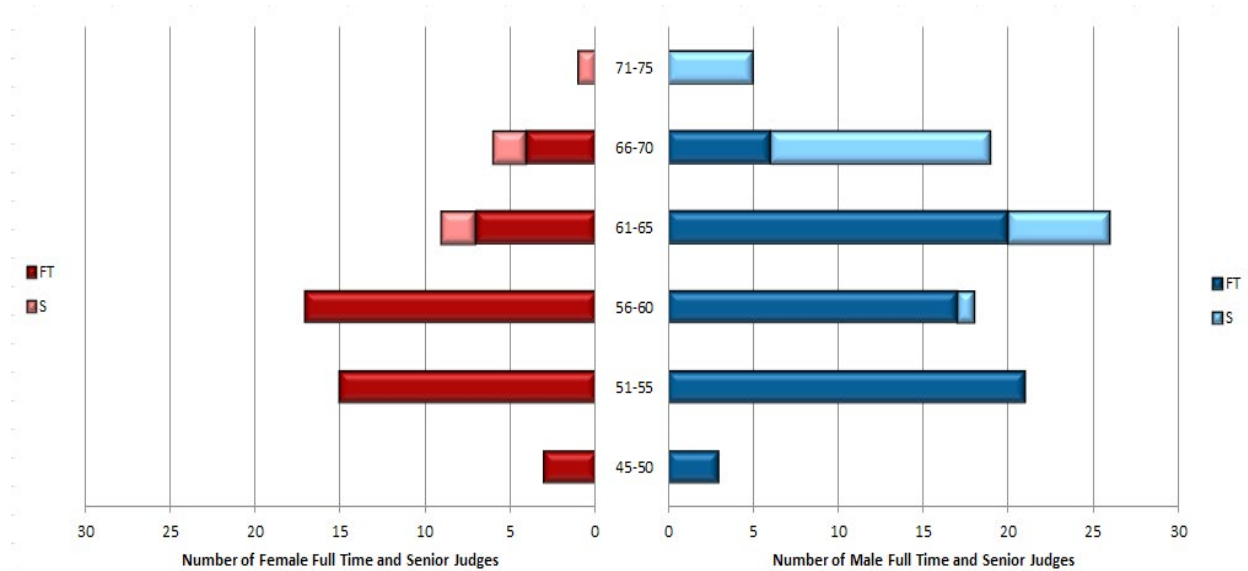
A greater proportion of active male Judges currently sit as seniors (27% vs. 10% of active female Judges). The average female Provincial Court Judge is slightly younger than the average male Judge (58.2 vs. 61 years of age).¹¹ Figure 8 shows the distribution of Judges by age, gender, and status.

⁹ The term "active" excludes Judges on long term disability.

¹⁰ The number of Judges is as at March 31, 2017. The (female) part time Judge is not included in this table.

¹¹ Age is measured as at March 31, 2017

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

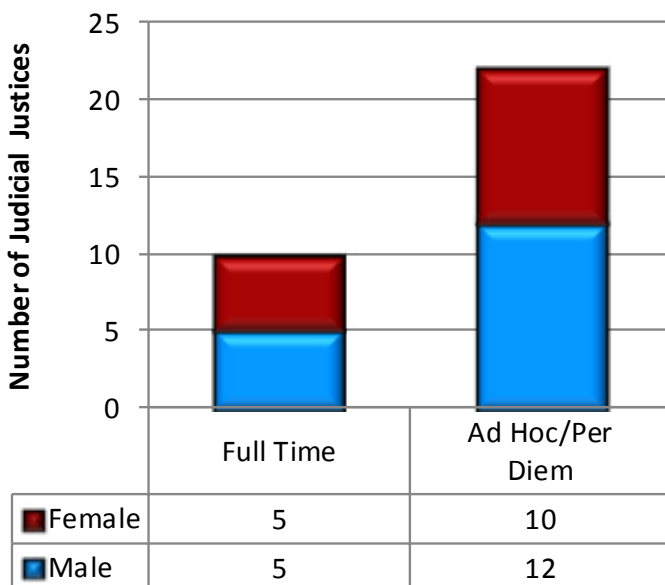


The cultural and ethnic backgrounds volunteered by applicants for judicial appointment are outlined in the [annual reports](#) of the Judicial Council of B.C.

DEMOGRAPHICS OF JUDICIAL JUSTICES

Figure 9 outlines the complement of Judicial Justices (JJs) as of March 31, 2017, including 10 full-time and 22 who work in a part-time (ad hoc or per diem) capacity. There are 17 male JJs and 15 female JJs. The total complement of 32 represents a reduction over last year, with two fewer full time JJs.

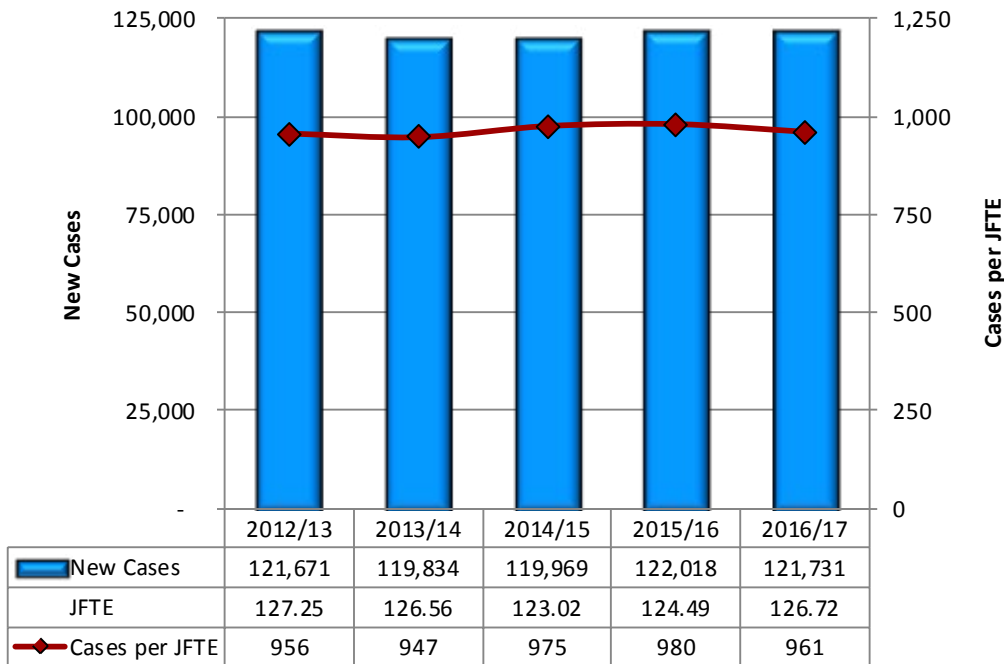
FIGURE 9 - GENDER DISTRIBUTION OF JUDICIAL JUSTICES, 2016/17



JUDGES' CASELOADS

Figure 10 shows the five year trend in new cases, as well as new cases per JFTE. The latter had been rising over the past few years, but declined in 2016/17. This year's figure of 961 is slightly under the five year average of 964.

FIGURE 10 - NEW CASES AND NEW CASES PER JFTE, 2011/12 - 2015/16¹²



¹² The methodology for defining cases changed in April 2015. Please consult [Appendix 4](#) for details. New case numbers do not include traffic and bylaw cases, as these are not typically dealt with by a Judge.

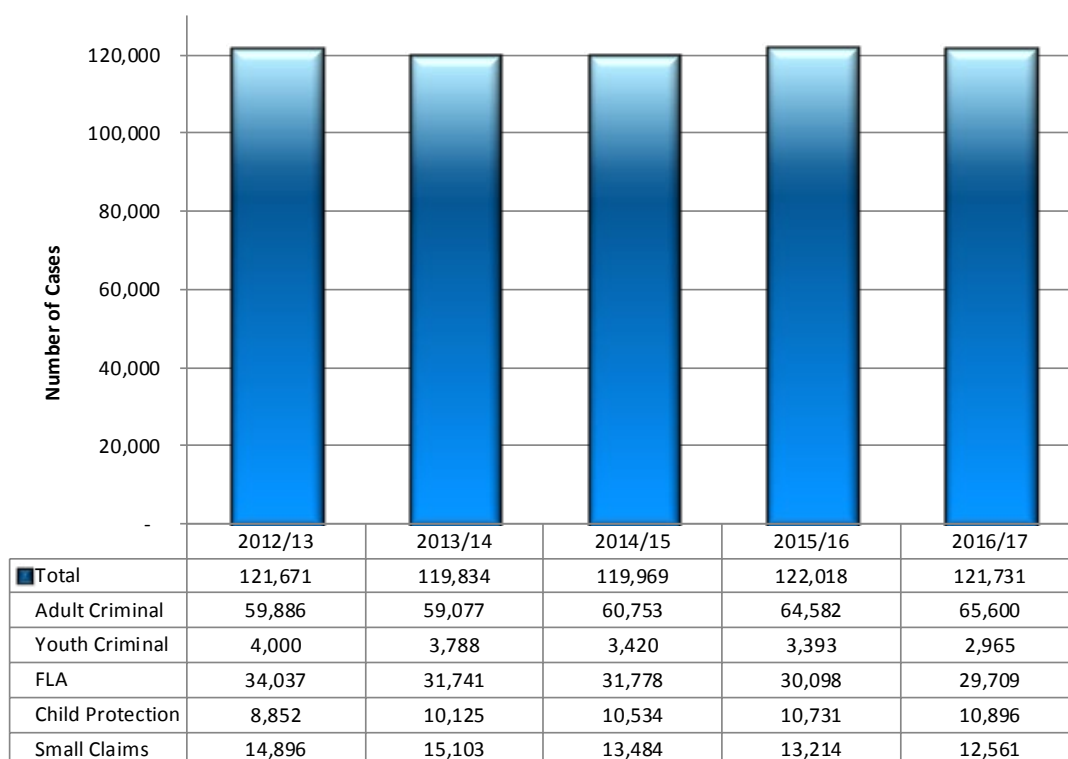
THE COURT'S CASELOAD

NEW CASES BY DIVISION

Excluding traffic and bylaw matters usually dealt with by Judicial Justices, there were 121,731 cases initiated in the Provincial Court of British Columbia in 2016/17.¹³ This represents a slight decrease from 2015/16 (287 cases). Figure 11 below shows Provincial Court Caseloads over the last five years.¹⁴

The population of British Columbia was estimated at 4,795,891 on April 1, 2017.¹⁵ Taking that as our basis for 2016/17 would mean the Court handled approximately 25 new cases of this type per 1,000 people during this fiscal year.

FIGURE 11 - NEW CASES BY DIVISION, 2012/13 - 2016/17



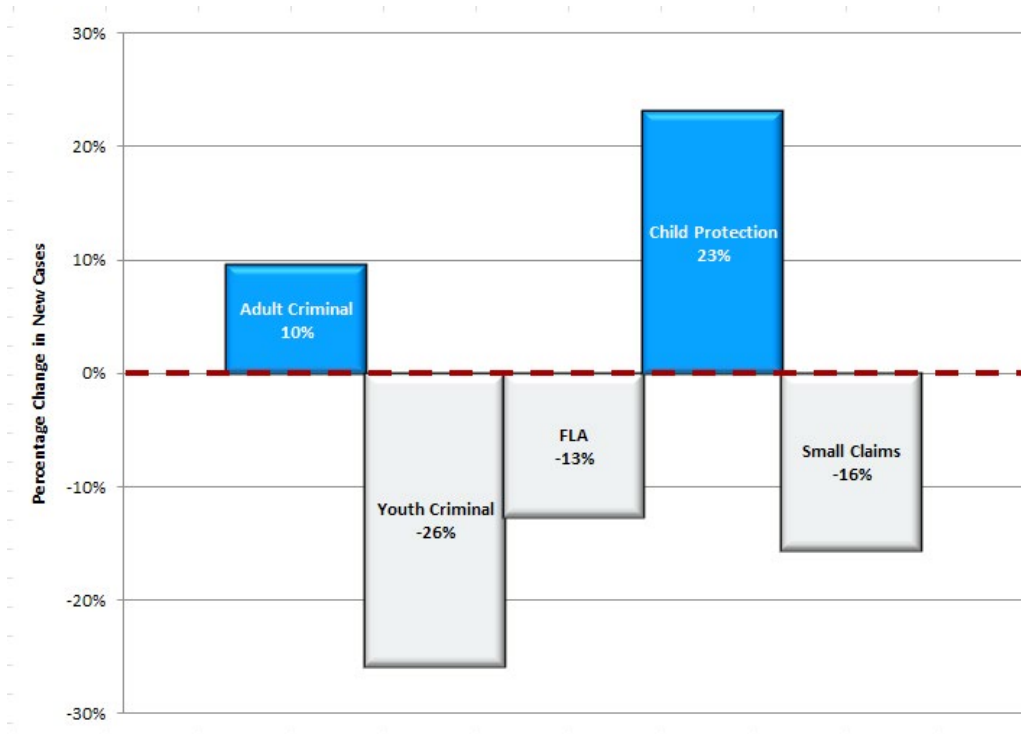
¹³ New case counts include all cases typically overseen by a Judge. Therefore, family subsequent applications are included and traffic and bylaw cases are excluded.

¹⁴ Readers may note that the new case counts for all years are slightly below the totals listed in last year's report. In order to ensure that the numbers included in the annual report are as accurate as possible, it is the practice of the Court to request updated numbers for the five year period included in each report. Numbers may differ from previous totals for a variety of reasons, including process changes and data latency.

¹⁵ Quarterly Population Estimates, BC Stats, <http://www2.gov.bc.ca/gov/content/data/statistics/people-population-community/population/population-estimates>

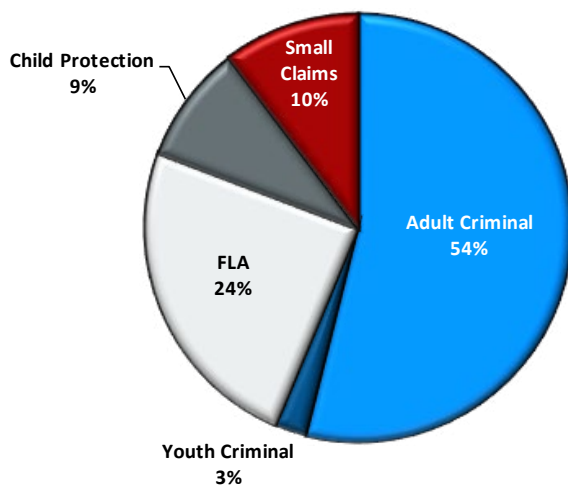
There were about the same number of cases in 2016/17 as in 2012/13. However, looking at total caseload volumes obscures trends within divisions. The number of new child protection cases has risen every year since 2012/13, and new adult criminal caseloads have increased three years in a row. Figure 12 shows how these two increases offset decreases in other areas of the Court's responsibility.

FIGURE 12 - PERCENTAGE CHANGE IN NEW CASES BY DIVISION BETWEEN 2012/13 AND 2016/17



Excluding traffic and bylaw matters, over the past five years criminal cases have made up over half of the Court's new caseload volume, family cases have made up about a third, and small claims cases about a tenth. The distribution between these three divisions remains the same in 2016/17. Figure 13 provides a detailed breakdown.

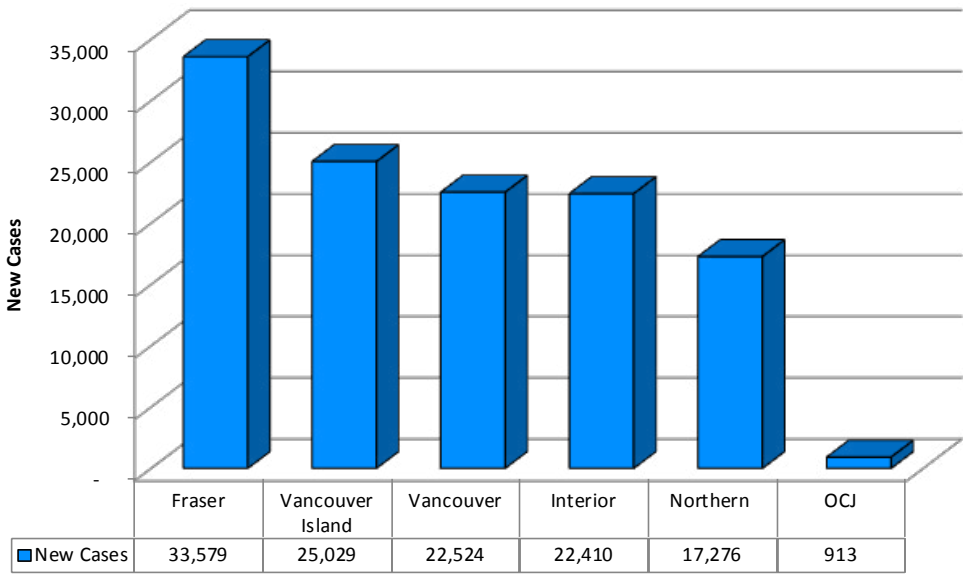
FIGURE 13 - PERCENTAGE BREAKDOWN OF NEW CASES BY DIVISION 2016/17



NEW CASES BY REGION

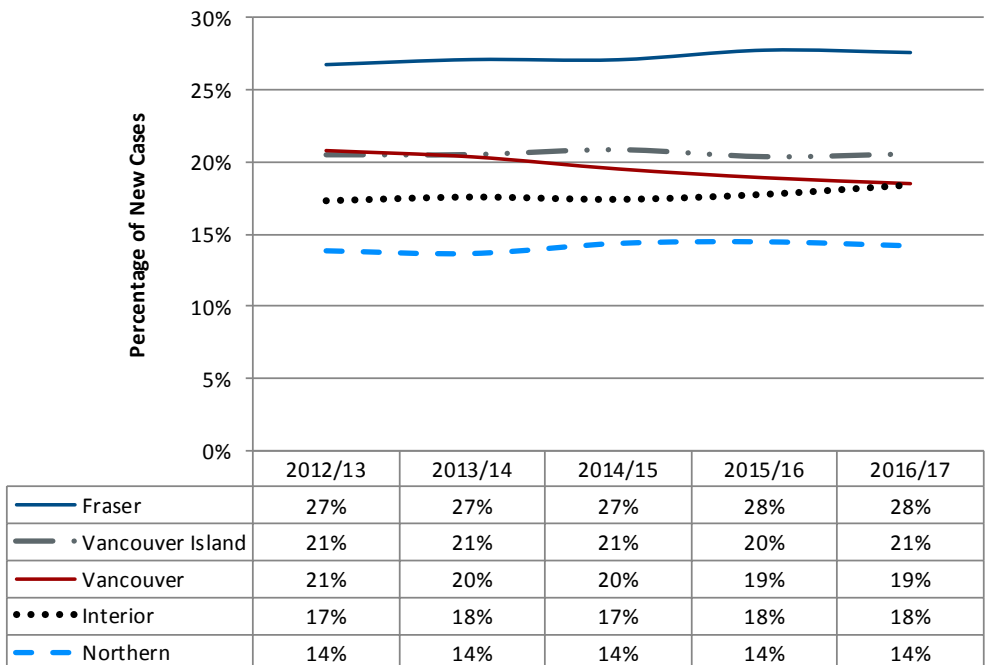
The Fraser Region continued to have the highest new caseload in 2016/17, while the small remote locations administered directly by the Office of the Chief Judge (OCJ) had the lowest.

FIGURE 14 - NEW CASES BY REGION



The distribution of new cases filed by region has been relatively stable over the past five fiscal years - varying by 1-2% at most, as seen in Figure 15 below.¹⁶

FIGURE 15 - DISTRIBUTION OF NEW CASES BY REGION, 2012/13 - 2016/17

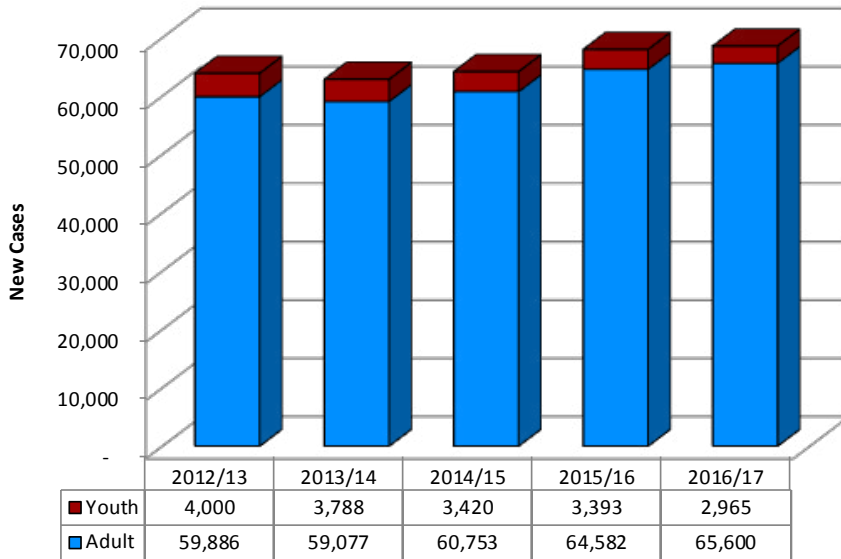


¹⁶ The OCJ region has less than 1% of the total provincial caseload in all years, and is not included in this figure.

NEW CASES BY DIVISION

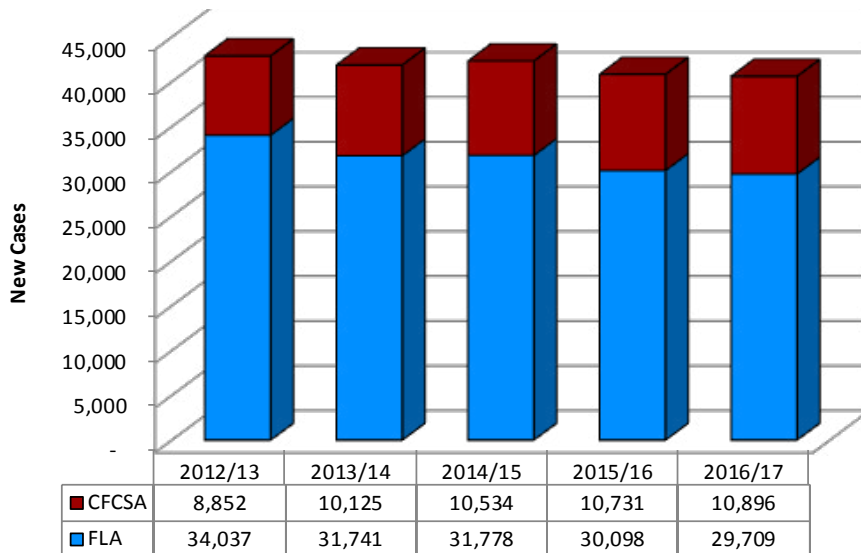
The number of adult criminal cases has increased by 10% since 2012/13 and is at its highest level in the past five years. Youth criminal cases have decreased every year of the past five. As a result, the 2016/17 youth criminal caseload is 26% lower than 2012/13.

FIGURE 16 - NEW CRIMINAL CASES, 2012/13 - 2016/17



The majority of family cases in the Provincial Court are governed by the [Family Law Act \(FLA\)](#) or the [Child, Family and Community Service Act \(CFCSA\)](#). The two are moving in opposite directions in terms of their caseload, with CFCSA increasing in every year and FLA decreasing in all but one. Compared to 2012/13, the number of CFCSA cases has increased by 23% and the number of FLA cases has decreased by 13%.

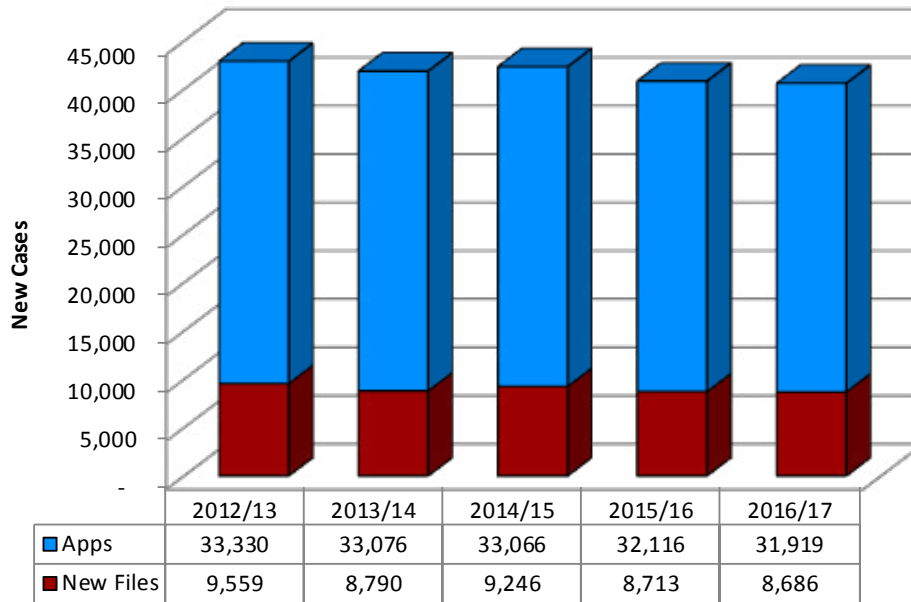
FIGURE 17 - NEW FAMILY CASES, 2012/13 - 2016/17¹⁷



¹⁷ Includes subsequent applications

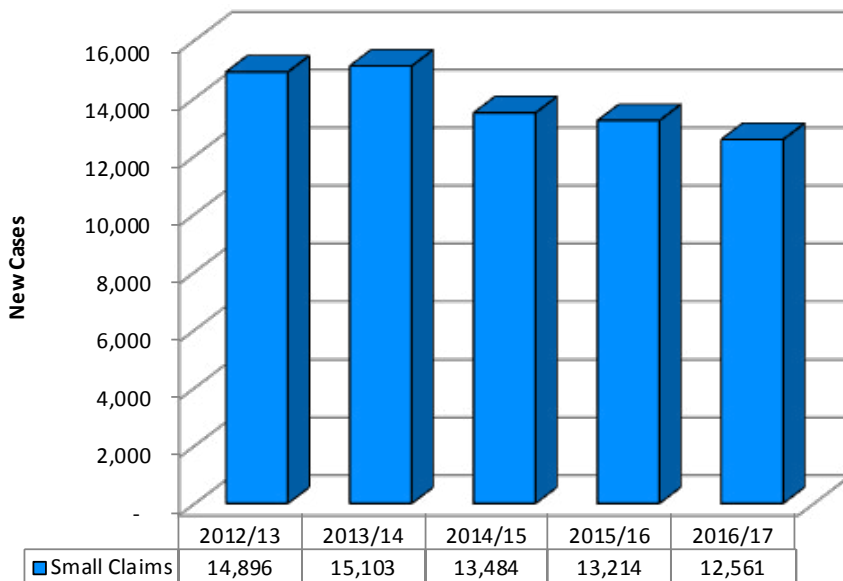
The bulk of new cases (78%) in the family division come from subsequent applications against existing files.¹⁸ The percentage of new cases from subsequent applications has been slightly higher in CFCSA cases than FLA (85% vs. 76%) over the past five years.

FIGURE 18 - NUMBER OF FAMILY CASES BY SOURCE, 2012/13 - 2016/17



New small claims cases have decreased 16% since 2012/13 and are at their lowest point in the past five years.

FIGURE 19 - NEW SMALL CLAIMS CASES, 2012/13 - 2016/17

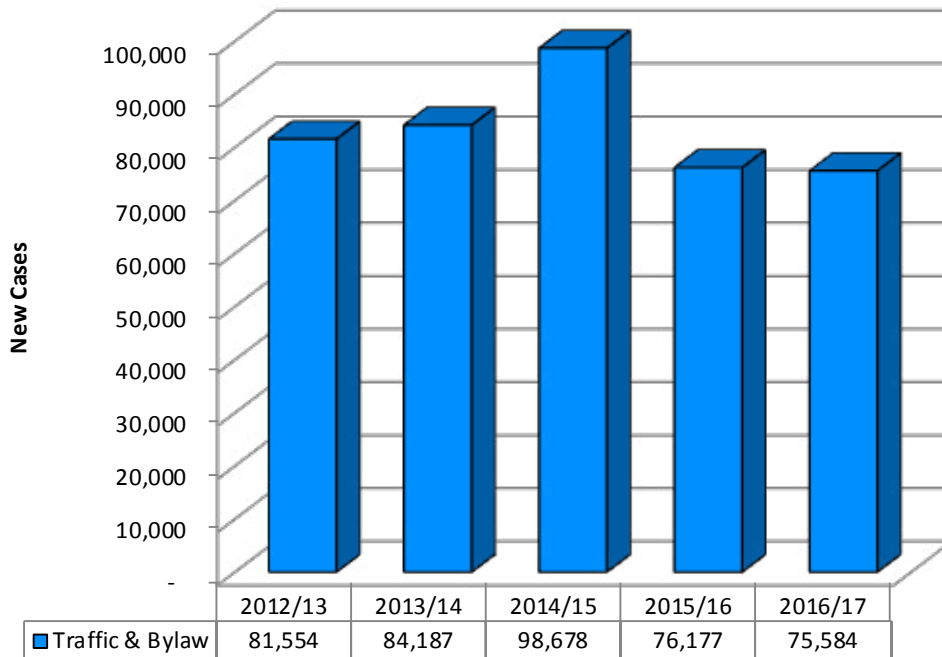


¹⁸ Subsequent applications are additional motions or applications filed in a case after the initial application is filed. Applications to change or enforce an order are a common example of FLA subsequent applications. Under the CFCSA, subsequent applications are required to determine custody of a child who is not returned to a parent.

TRAFFIC AND BYLAW CASES

In addition to the criminal, family, and small claims cases typically dealt with by Judges, the Provincial Court also handles traffic and bylaw cases (typically adjudicated by Judicial Justices). In 2016/17 there were 75,584 new traffic and bylaw cases, down slightly from last year.

FIGURE 20 - NEW TRAFFIC AND BYLAW CASES, 2012/13 - 2016/17



THE JUSTICE CENTRE

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

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

Approximately 25 Judicial Justices work through the Justice Centre, either on site or remotely. A full-time staff of 11 regular and five auxiliaries support the Judicial Justices. In 2016/2017 the Centre heard over 23,000 bail hearings and processed over 10,000 applications for search warrants and production orders as represented in Figures 21 and 22.

Results of judicial interim release hearings dealt with by the Justice Centre are posted on the Court’s website for the preceding day at [Justice Centre Daily Judicial Interim Release Results](#).

FIGURE 21 - SEARCH WARRANTS ISSUED THROUGH THE JUSTICE CENTRE, 2016/17

MONTH	ALL	ALL / # OF DAYS	487 CCC	PRODUCTION ORDER	SEALING ORDER	UNSEALING ORDER	OTHER
Apr 2016	925	31	319	202	191	0	213
May 2016	849	27	245	191	192	0	221
Jun 2016	900	30	291	198	192	0	219
Jul 2016	772	25	243	201	140	3	185
Aug 2016	763	25	252	148	145	1	217
Sep 2016	795	27	268	136	187	1	203
Oct 2016	867	28	297	188	165	3	214
Nov 2016	926	31	294	199	200	0	233
Dec 2016	734	24	220	208	147	1	158
Jan 2017	1028	33	308	225	220	1	274
Feb 2017	1003	36	250	258	198	4	293
Mar 2017	1042	34	274	235	220	2	311
Max	1042	36	319	258	220	4	311
Average	884	29	272	199	183	1.33	228
YTD	10604		3261 (25.8%)	2389 (18.9%)	2197 (17.4%)	16 (0.1%)	2741 (21.7%)

FIGURE 22 - BAIL HEARINGS CONDUCTED THROUGH THE JUSTICE CENTRE, 2016/17

MONTH	JUDICIAL INTERIM RELEASE (BAIL)	REMAND	RELEASE	VIDEO BAIL
Apr 2016	1935	1366	596	753
May 2016	2087	1364	753	798
Jun 2016	1942	1372	608	839
Jul 2016	2197	1439	785	902
Aug 2016	1828	1192	638	701
Sep 2016	2182	1283	664	983
Oct 2016	2075	1375	717	875
Nov 2016	1940	1310	644	654
Dec 2016	1856	1169	686	694
Jan 2017	1849	1234	578	713
Feb 2017	1582	1100	517	701
Mar 2017	1656	1075	564	691
Max	2197	1439	785	983
Average	1927	1273	646	775
YTD	23129	15279	7750	9304

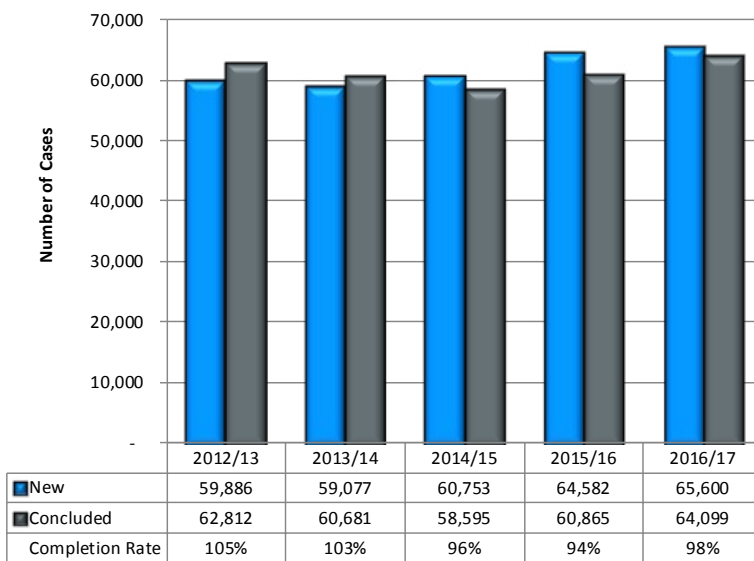
OPERATIONAL COURT STANDARDS

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

ADULT CRIMINAL CASE COMPLETION RATES

The Court’s standard for the adult criminal case conclusion rate is 100% calculated over a fiscal year.¹⁹ This measure provides an indication of the Court’s ability to conclude cases at the same rate that new cases enter the system. Although the number of new cases increased again this year, the number of concluded cases increased substantially over last year resulting in an improved completion rate of 98%.

FIGURE 23 - ADULT CRIMINAL CASE CONCLUSION RATES, 2012/13 - 2016/17



¹⁹ Data Source: Criminal BI Database. Rates are calculated by dividing the total number of concluded cases in a fiscal year by the total number of new cases in that year. If the numbers are equal, the conclusion rate is 100%. Concluded case information is only available in the criminal division.

ON-TIME CASE PROCESSING

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

The Court's standard for criminal cases is to have 90% of cases concluded within 180 days.²⁰ Figure 24 below shows the percentage of cases completed within 180, 365, and 540 days, respectively. The Court has not met this standard during the past five years. This standard reflects the Court's goal for early conclusion of criminal cases. Some factors that affect this measure are beyond the Court's control, such as whether an accused sets the matter for trial, the amount of time it takes for the Crown to provide disclosure, and counsels' availability when setting court dates. With improvements in data collection the Court can now track the time between specific events to determine where improvements, if required, can be made.

FIGURE 24 - PERCENTAGE OF JUDGE CASES CONCLUDED WITHIN THREE TIMEFRAMES, 2012/13 - 2016/17

PERCENT OF ADULT CRIMINAL CASES CONCLUDED WITHIN...			
Year	180 Days	365 Days	540 Days
FY 2012/13	67%	85%	93%
FY 2013/14	70%	89%	95%
FY 2014/15	72%	91%	96%
FY 2015/16	73%	92%	97%
FY 2016/17	71%	90%	97%
Five Year Average	70%	89%	96%

PENDING CASES

A pending case is a criminal case²¹ that has not yet been completed and for which a future appearance has been scheduled. The pending status of a court case is distinct from the total age of the case. However, the two measures are linked, as pending cases that exceed a certain age are of concern due to the possibility of unreasonable delay.

Case age calculations for pending cases count from the date an Information is sworn to the next scheduled appearance occurring after the "as at" date (in this case, March 31, 2017). These calculations exclude inactive time (e.g. bench warrants). The number and age of pending cases provides a general indication of the Court's ability to process criminal cases in a timely manner.

²⁰ In past reports, this standard was appended to pending cases - a related, but separate measure.

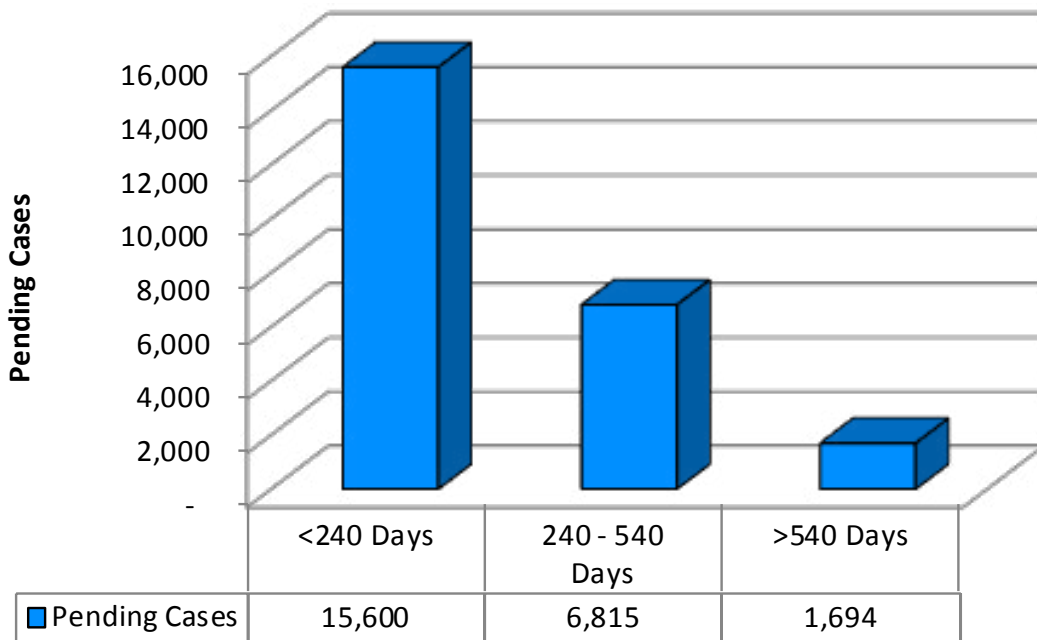
²¹ Pending case information is currently only available in the criminal division, as there is no agreed upon definition of case conclusion in the family and small claims divisions.

For criminal cases, the Court’s standard for pending cases is for 60% of its caseload to be less than 240 days old.²²

As of March 31, 2017 there were 24,109 adult criminal pending cases, of which 65% had a pending date less than 240 days from the sworn date (that is, there are less than eight months between the date the information was sworn and the next appearance date).²³ This means that the court met its standard this year - as it has done for four of the past five years, missing it by 1% in 2012/13. The remaining 8,509 (35%) of cases had pending dates greater than 240 days from the sworn date.

Figure 25 shows the number of adult criminal pending cases in the Provincial Court system on March 31, 2017, broken down by age category.

FIGURE 25 - ADULT CRIMINAL PENDING CASES BY AGE CATEGORY²⁴

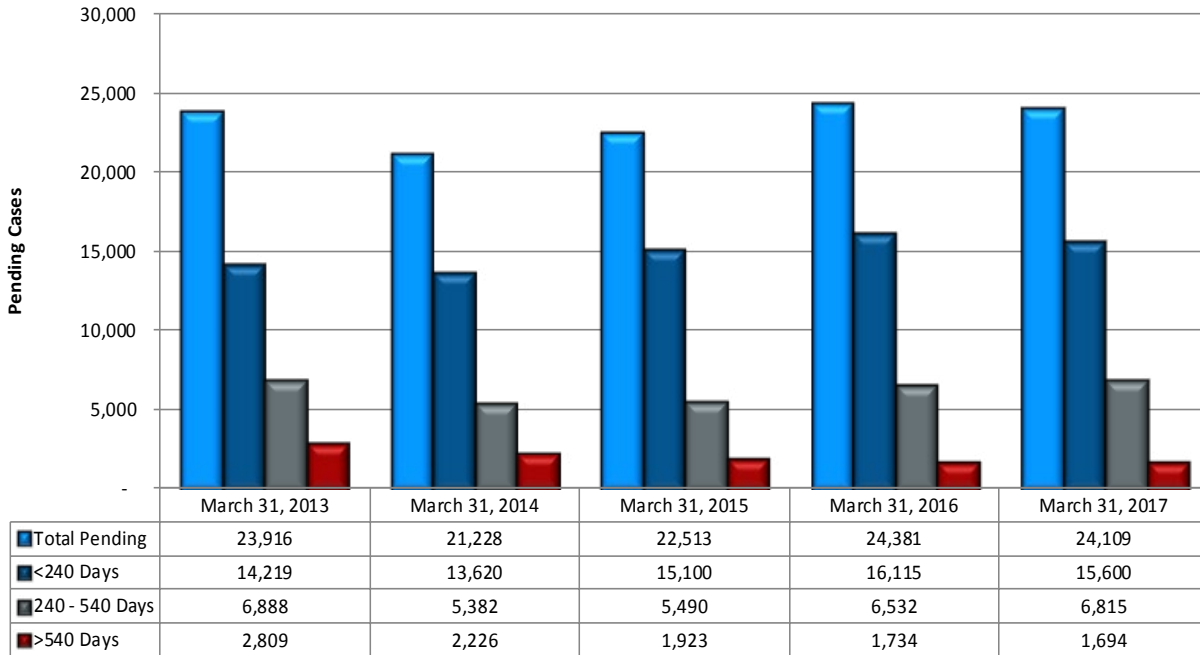


The number and proportion of pending cases in the oldest age category (>540 days) has decreased every year of the past five. However, the number and proportion of cases in the 240-540 day category has increased over the past two fiscal years. Figure 26 shows these trends.

22 In past reports, the standard for On Time Case Processing - a related, but separate measure - was incorrectly applied to pending cases. See the On-Time Case Processing section of this report for details.

23 The current report is a snapshot as at March 31, 2017. These results are preliminary. Pending cases are likely to adjust upwards due to delays in compiling the data.

24 Data source: Criminal BI Database

FIGURE 26 - ADULT CRIMINAL PENDING CASES OVER TIME

PROVINCE-WIDE TIME TO TRIAL

The Court continues to measure time to trial from the date a request or order is made for a conference or trial, to the date when cases of that type can typically be scheduled. Time to trial does not reflect when cases are actually set as this is dependent on the availability of counsel. Rather, it is an estimate of when court time would be available to schedule a particular activity.²⁵

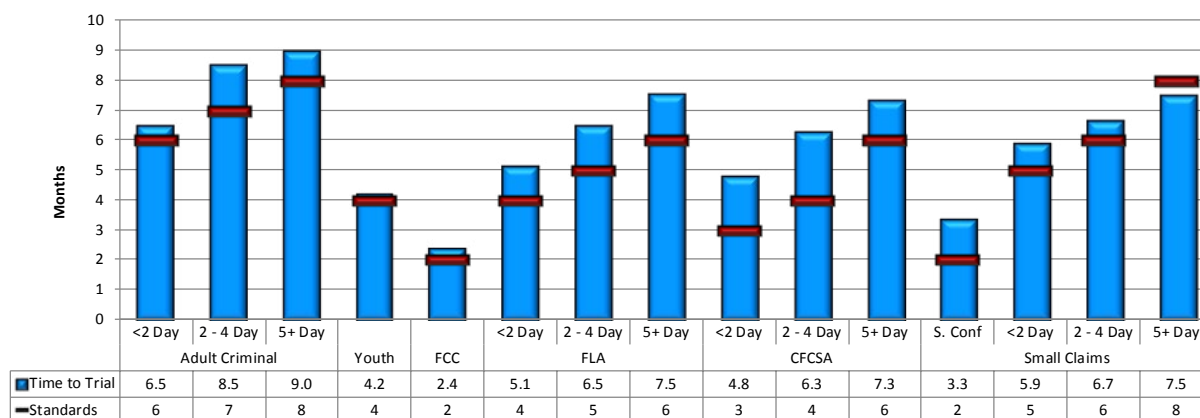
In 2005, the Court endorsed a number of standards to measure whether dates were being offered for trial in a timely manner. These standards reflect the Court's goals as to when the Court ought to be able to offer time for the specified trial events. In June 2016, those standards, and the time estimates they govern were revised²⁶ to better capture longer trials and Summary Proceedings Court matters.

Figure 27 shows the average time to trial for this fiscal year. The Court was over standard in all divisions for all trial lengths, with the exception of lengthy small claims trials.

²⁵ In order to provide the most accurate data, other cases waiting to be scheduled are factored into the estimates. "Fast track" dates or openings created when other cases collapse are not considered, as these dates are not an accurate reflection of when the case would typically be scheduled.

²⁶ A detailed explanation of time to trial definitions, calculations and standards appears in [Appendix 4](#). Please note that the changes make accurate year-to-year comparisons difficult.

FIGURE 27 - AVERAGE PROVINCIAL TIME TO TRIAL, 2016/17



As mentioned above, the Court’s time estimates and standards changed within the last fiscal year, making year to year comparisons difficult. It is possible to look at how results have changed within the 2016/17 fiscal year, however, by comparing the June 2016 and March 2017 results.

In general, the results held steady in the adult criminal and FLA divisions between the two time periods (there were some slight increases of 0.1 to 0.2 months).

Time to a conference decreased over the course of the fiscal year. Family case conferences are now within standard (2.0 months), after being over the previous June (2.6 months). Small claims settlement conferences remain above standard at 3.0 months, down from 3.3 months in June.

Comparative results for small claims trials showed some variation based on time estimates. Time to a 2-4 Day trial decreased (by 0.3 months), while the other two categories showed slight increases (0.1 months).

Youth trials went from being within standard (3.5 months) to being over (4.8 months). Times to trial increased in all categories under the CFCSA - including a 0.9 month increase for the shortest trials (2-4 Day and 5+ Day trials both increased by 0.3 months).

The Court produces comprehensive time to trial reports twice a year and posts these on the Court Reports page of the Court’s website. The reports for September 30, 2016 and March 31, 2017 can be found at <http://www.provincialcourt.bc.ca/news-reports/court-reports>.

Delays and the Court’s Response to R. v. Jordan

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

In response to the *Jordan* decision the Court is closely monitoring time to trial and pending case data. In almost all areas of the province the Court is able to offer court time for trials well below the 18 month ceiling. Those locations with the longest delays are identified in the Time to Trial reports published by the Court [<http://www.provincialcourt.bc.ca/news-reports/court-reports>]. Without additional judicial resources any increase in court time for criminal trials necessarily means delays in

other areas of the Court's jurisdiction (family and small claims). Given the importance of timely trials in these areas, and in particular for CFCSA (child protection) cases, the Court has not re-allocated more court time to criminal trials as a response to the *Jordan* decision.

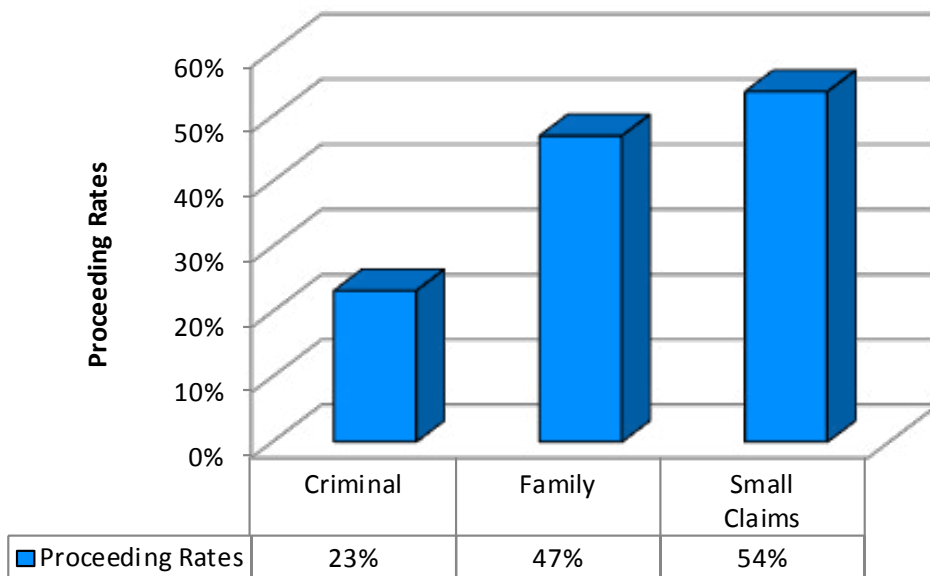
Court time is not the only factor leading to delays in criminal cases. Some factors are beyond the Court's control such as the length of time it takes for the police to prepare disclosure in complex cases and counsel's availability when setting trial dates. As stated in *Jordan* the Court does have a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

TRIAL EVENTS

The Court tracks outcomes for all cases that were still on the Court list on the date set for trial - in 2016/17 there were 15,785 such trial events.²⁷ There are several possible outcomes on the day of trial, one of which is that the trial proceeds.²⁸ Where a trial does not proceed, this is referred to as a collapse. There are a number of reasons why a trial might collapse. For example, the case might settle on the day of trial before the trial begins. The Court has not established standards for collapse rates but will continue to collect and monitor this data, with particular attention to the number of cases adjourned for lack of court time.²⁹

Proceeding rates capture the percentage of trials that proceeded on the first day of trial.³⁰ There are persistent differences in proceeding rates between divisions. Figure 28 shows the rate for each division in 2016/17.

FIGURE 28 - PROCEEDING RATES BY DIVISION



²⁷ Results for cases that were never set for trial, or which did not proceed as scheduled due to adjournment, resolution, or any other reason before their first scheduled trial date are not captured under this system.

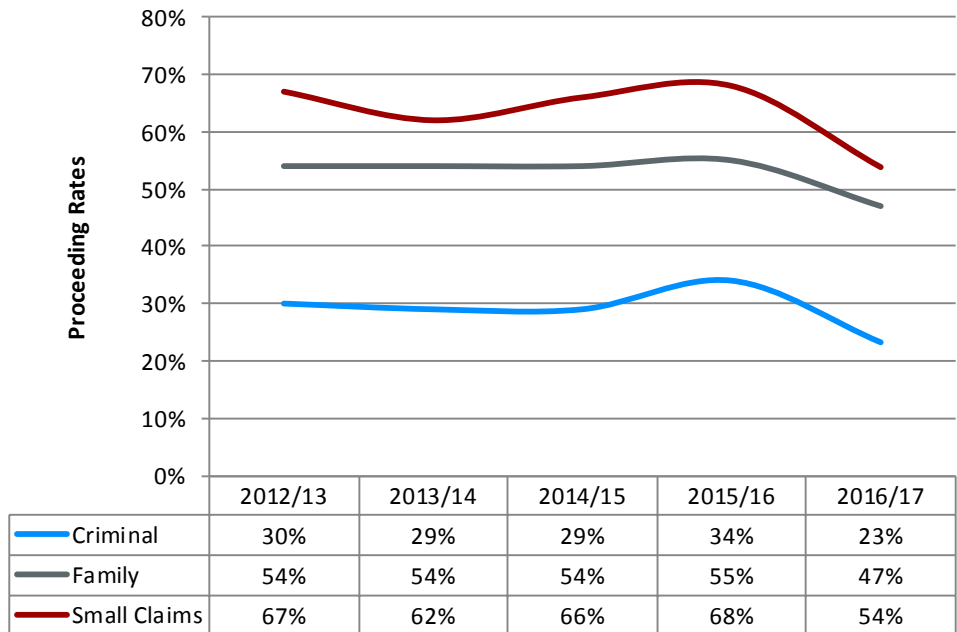
²⁸ Defined as proceeding for trial as scheduled, with evidence or a witness being called - the outcome of the trial appearance is irrelevant from the perspective of whether or not the trial proceeded.

²⁹ Lack of court time refers to a situation in which the Court has insufficient judicial resources to hear a case on the day it was scheduled.

³⁰ Whether the case concluded or not is irrelevant to this determination - all that matters is that the case proceeded (as a trial) on the day it was scheduled for trial.

As shown in Figure 29, proceeding rates in all divisions are at a five-year low in 2016/17.³¹

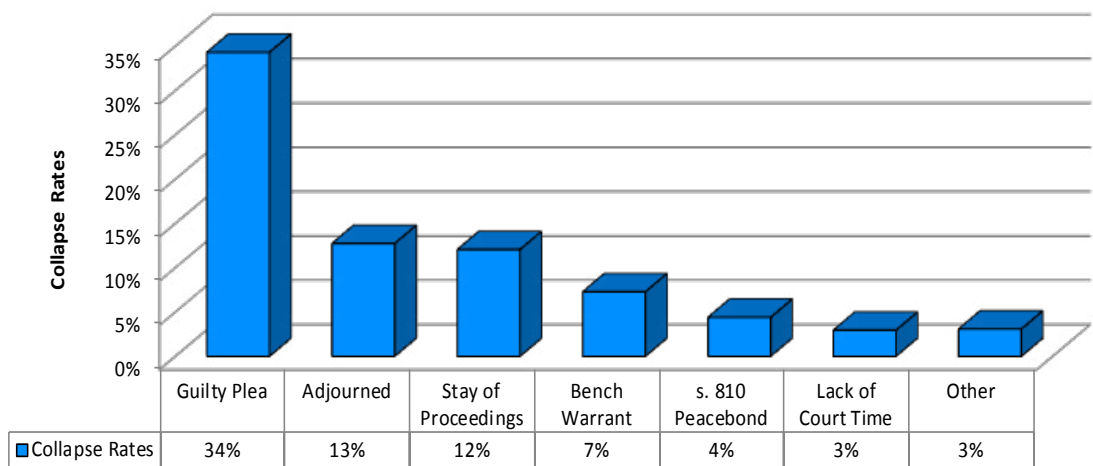
FIGURE 29 - PROCEEDING RATES BY DIVISION, 2012/13 - 2016/17



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

In the criminal division, there was an increase over last year in the number of criminal cases that concluded on the first day of trial because the accused pleaded guilty, the charges were stayed, or the matter was disposed of via peace bond. Collectively, these terminal events showed an 8% increase in 2016/17 over 2015/16. Figure 30 shows the distribution of collapse reasons for the criminal division.

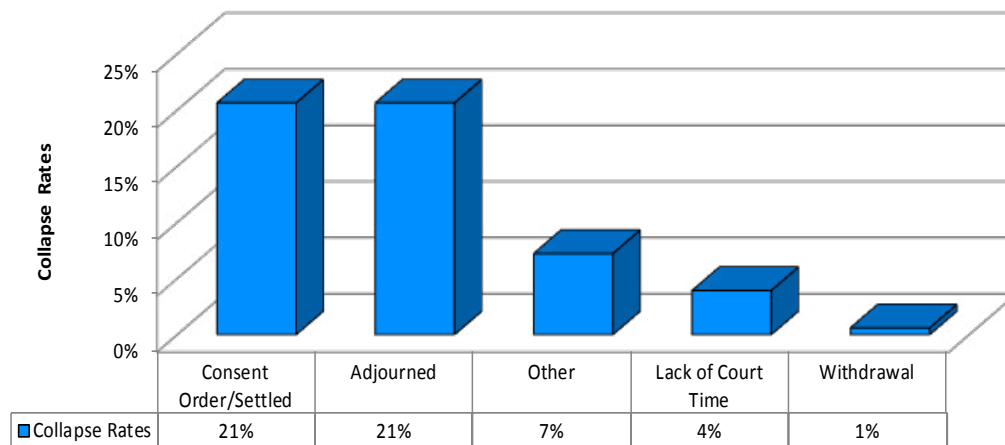
FIGURE 30 - COLLAPSE RATES OF CRIMINAL TRIALS BY COLLAPSE REASON



³¹ This figure includes blended data from three sources: stand-alone trial tracker application, interim tool for Assignment Court, and the Provincial Court Scheduling System (PCSS). While this data is now being captured solely through PCSS, historical reporting will continue to rely on other sources.

2016/17 marks the first time in the past five fiscal years that a majority of family trials did not proceed on the first day of trial. The proceeding rate for this division was 47% in 2016/17, compared to 54-55% in years past. The largest change from 2014/15 is in the adjournment rate (up 5%). Figure 31 shows the distribution of collapse reasons in the family division for 2016/17.

FIGURE 31 - COLLAPSE RATES OF FAMILY TRIALS BY COLLAPSE REASON



The proceeding rate in small claims is also at its lowest point in five years - 54% vs. 62-68%. Unlike the other two divisions, however, this still represents the majority of trials.

The rate of collapse by way of settlement remains relatively unchanged from last year (9.4% vs. 9.1%) but every other category increased. The largest increase is in the "other" category. An examination of the notes that accompany the use of this category demonstrate that a majority of these were cases that were struck from the list or dismissed (4.1% of all cases), or were subject to a default judgment or order (2.2%).³² Figure 32 below shows the distribution of collapse reasons for small claims trials in 2016/17.

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

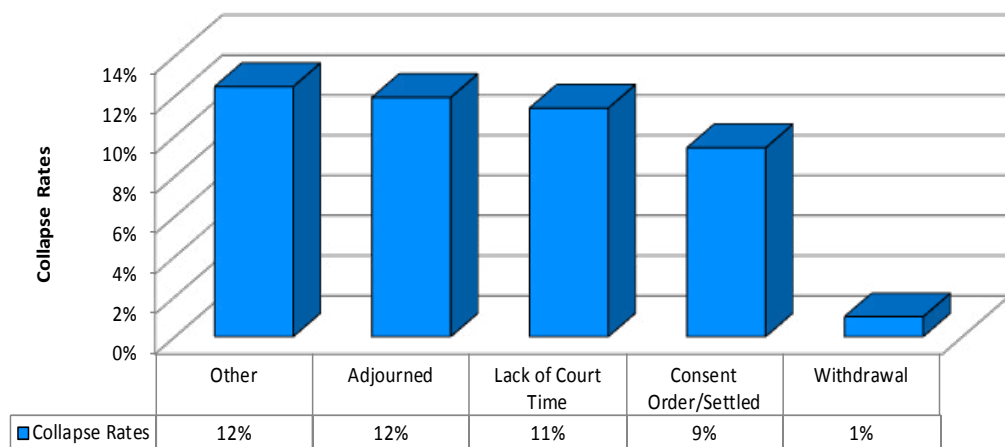
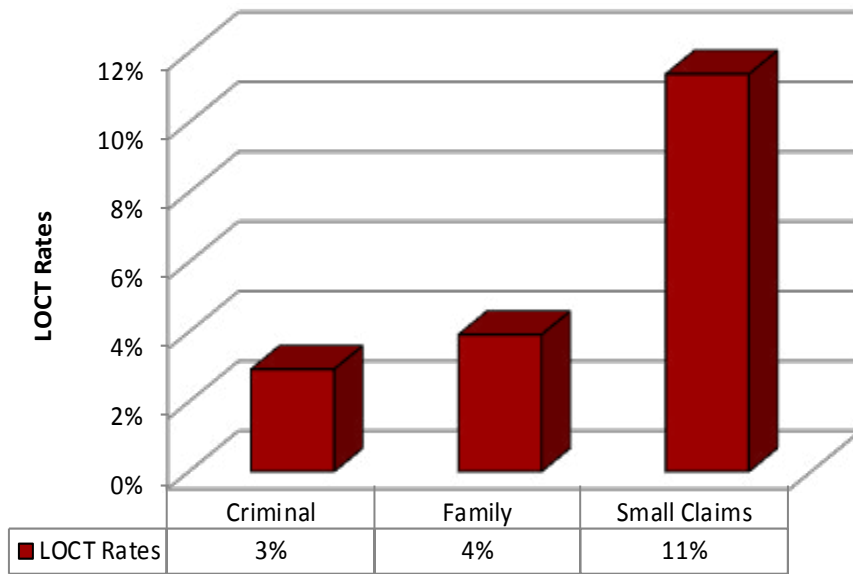


Figure 33 shows the lack of court time rates for each division in 2016/17. Lack of Court Time (LOCT) rates capture the percentage of trials that were adjourned because the Court did not have sufficient judicial resources to hear a given trial on the day it was scheduled to begin.

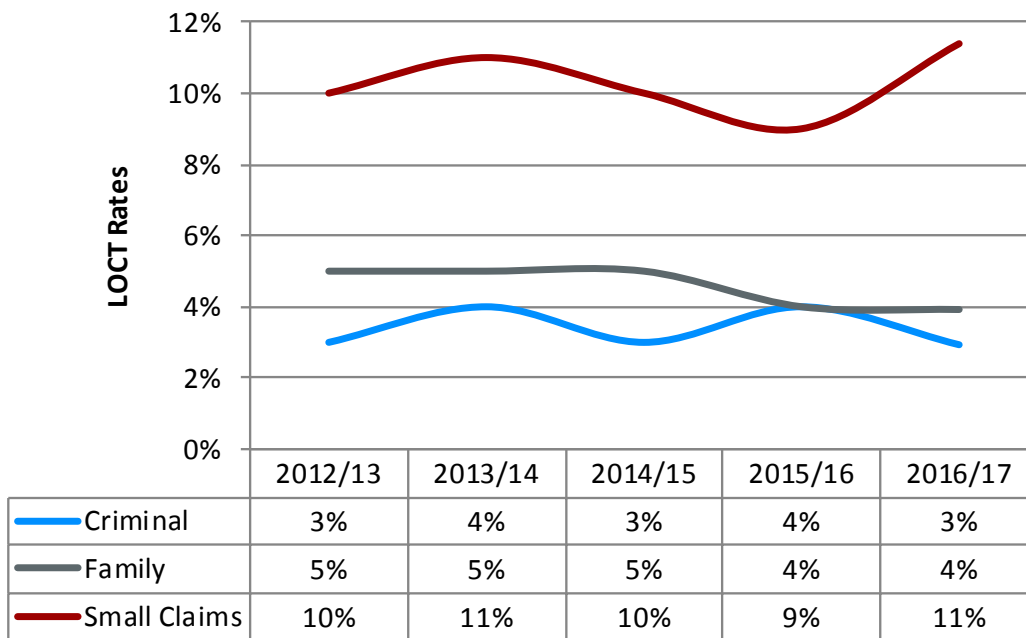
³² This type of order might be made if a party failed to attend court on the trial date.

FIGURE 33 - LACK OF COURT TIME RATES BY DIVISION



Lack of court time rates are similar to last year in both the criminal and family divisions but have increased for small claims. These results are in line with the five year trend for each division, shown in Figure 34 below.

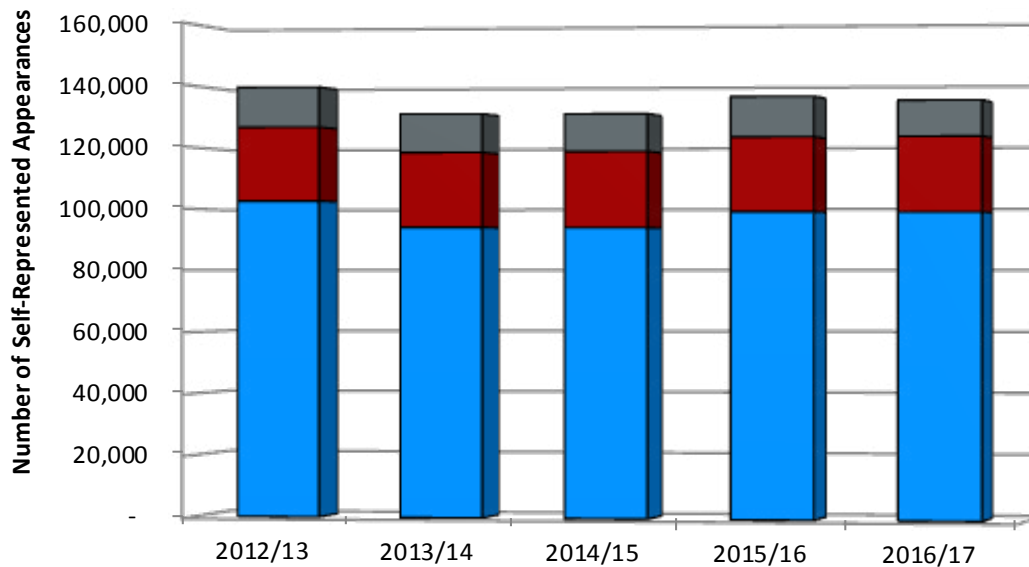
FIGURE 34 - LACK OF COURT TIME RATES BY DIVISION, 2012/13 - 2016/17



SELF-REPRESENTED LITIGANTS

The Court oversaw a total of 134,358 self-represented appearances in 2016/17,³³ representing a 1% decrease compared to last year. Figure 35 below shows the number of self-represented appearances by division over the past five fiscal years.

FIGURE 35 - NUMBER OF SELF-REPRESENTED APPEARANCES BY DIVISION, 2012/13 - 2016/17

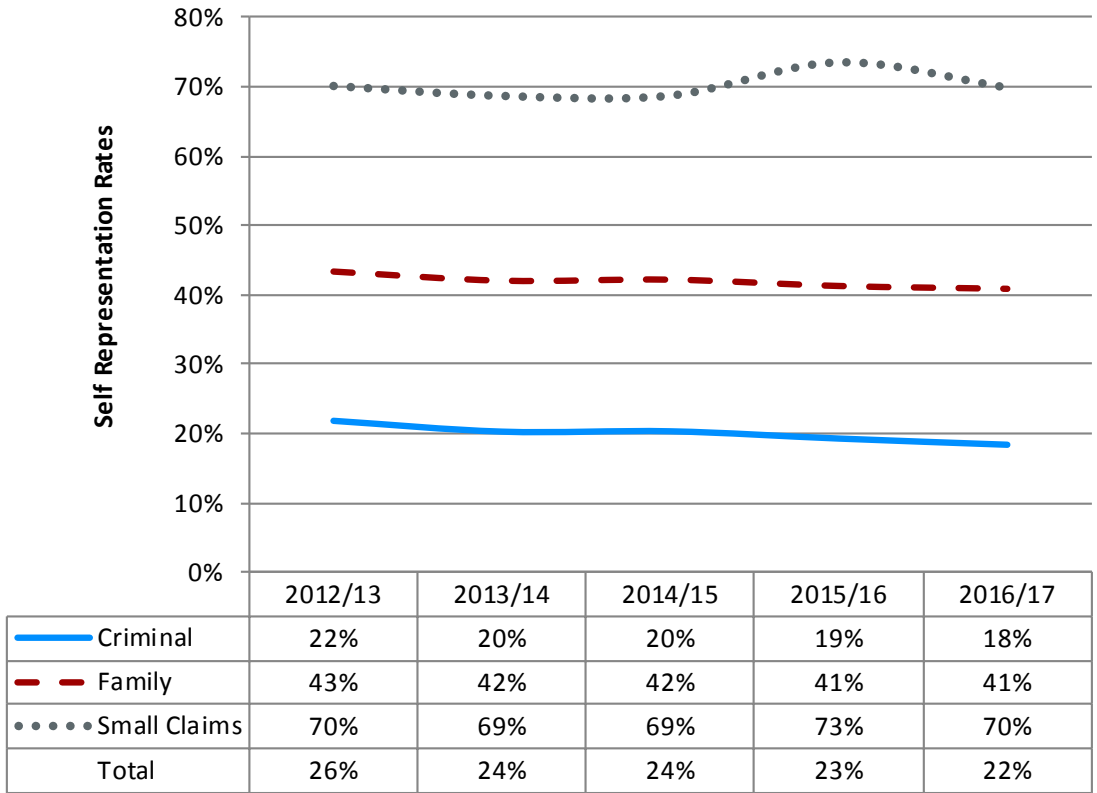


	2012/13	2013/14	2014/15	2015/16	2016/17
Total	139,534	130,608	130,425	135,759	134,358
Small Claims	12,983	12,479	12,153	12,956	11,519
Family	24,003	24,179	24,483	23,969	24,185
Criminal	102,548	93,950	93,789	98,834	98,654

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

³³ A self-represented appearance is when the accused is recorded as appearing in court with no counsel or agent present. Data Source: Criminal BI Database. Data are preliminary and subject to change. This analysis counts only appearances that took place, excluding cases that have been adjourned or cancelled prior to the appearance or that do not have any appearance duration recorded.

FIGURE 36 - RATE OF SELF-REPRESENTED APPEARANCES BY DIVISION, 2012/13 - 2016/17



CCCJ/CAPCJ NATIONAL EDUCATION CONFERENCE

The British Columbia Association of Provincial Court Judges, in conjunction with the Canadian Association of Provincial Court Judges (CAPCJ), hosted judges from across Canada at the annual CAPCJ National Education Conference and Annual General Meeting in Vancouver in September 2016. The theme was ‘Judging in the Extreme’.

In addition to making decisions on the facts and law in cases before them, Canadian Judges often see and deal with extreme emotions, litigants and behaviour. The 2016 CAPCJ program took Judges through issues involving these extremes, including family violence, gang activity and false memories. It also examined the role of emotion in judging and provided participants with practical tips and strategies to use in their courtrooms when faced with extreme situations.

The program started with a Fireside Chat with author and lawyer Joel Cohen about his book ‘Blindfolds Off: Judges on How They Decide’, for which he interviewed thirteen Judges of high-profile cases in the U.S. about their decision-making processes. The Honourable Thomas Cromwell, former Justice of the Supreme Court of Canada, moderated the session. The conversation between Mr. Cohen and Mr. Cromwell addressed themes such as the “baggage” that Judges bring to their roles, the role Judges should have in engaging in the marketplace of ideas, and things Judges should be mindful of when presiding over high-profile cases.

COURT COMMITTEES

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

JUDGES' EDUCATION COMMITTEE

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

In the 2016/17 fiscal year, the committee members were:

- Judge R. Bowry (Chair)
- Judge H. Dhillon
- Judge P. Janzen
- Judge T. Wood
- Judge M. Shaw
- Judge S. Frame
- Judge R. Harris
- Judge P. MacCarthy
- Judge J. Bahen (until November 2016)
- Judge G. Brown (as of December 2016)
- Chief Judge T. Crabtree

The spring conference in May 2016 was held in Victoria and covered an assortment of issues in family, civil and criminal law. The keynote address, by Mr. Dennis Edney Q.C., counsel for Omar Khadr, presented a topic that was thoughtful, exhilarating, and very well received by its audience: "The Rule of Law in an Age of Fear". The balance of the program took the Judges from an update in family law to reviewing the legal principles applicable to applications for search warrants.

Other sessions included:

SPRING CONFERENCE	FALL CONFERENCE
<ul style="list-style-type: none"> ■ Procedure and process in criminal, civil and family trials ■ Notice of Motions in Family Law ■ Judgment writing ■ IT update 	<ul style="list-style-type: none"> ■ Access to Justice - delay and cost ■ Proportionality and Management Directives ■ Family Violence - Harassment to Homicide ■ Addictions - Causes and Treatments ■ Mandatory Mediation of Small Claims

JUDICIAL JUSTICES' EDUCATION COMMITTEE

The Judicial Justices of B.C. are actively involved in education: attending national conferences, voluntary education nights, watching webinars and attending bi-yearly conferences specific to the duties of a Judicial Justice.

The 2016/2017 year included an education night with B.C. Court of Appeal Justice David Frankel, while individual Judicial Justices attended an assortment of educational programs ranging from the National Criminal Law Conference to courses perfecting French terminology in a court setting.

The bi-yearly spring and fall Judicial Justice conferences included: presentations by Charlene Bearhead, Education Lead for the National Centre for Truth and Reconciliation; an introduction to the Civil Resolution Tribunal; a tour of Surrey Pre-Trial Services Centre including the rehabilitative programs available to those incarcerated; and a session on child exploitation examining cases from their inception, including the scope of law relating to search warrants and bail hearings.

The last year has seen technological advances with the creation of case law matrixes for both criminal and traffic courts to give Judicial Justices easy access to rapidly changing case law.

Many Judicial Justices are involved in organizing and presenting education programs. Although they are predominantly coordinated by Administrative Judicial Justice K. Arlitt, she is assisted by a number of judicial officers, including Chief Judge T. Crabtree, Associate Chief Judge M. Gillespie, Administrative Judicial Justice G. Hayes, Judicial Justice A.M. Brown and Judicial Justice Association Education Chair H. Gordon.

CRIMINAL LAW COMMITTEE

In the past year, the Criminal Law Committee has been particularly focused on pursuing its goal (identified in last year's report) of delivering support for new judges by developing a new judges' criminal law orientation program. This work has included the preparation of written materials, instructional videos and exercises for participants.

The Committee has also worked with the B.C. Supreme Court Criminal Law Committee to develop a protocol for resolving scheduling conflicts between the two courts, particularly when dealing with cases that go beyond their time estimate.

In addition, the Committee has identified a number of gaps in the current [Criminal Code](#) that require legislative amendments.

Finally, members of the Committee have participated in dialogue with stakeholders on the efficient management of major cases on an ongoing basis.

The Committee met six times during the fiscal year. Its members are:

- Judge A. Brooks (Chair)
- Judge G. Koturbash
- Judge B. Craig
- Judge D. Weatherly
- Judge R. Harris
- Judge V. Galbraith
- Judge R. Hewson
- Judge C. Rogers

FAMILY LAW COMMITTEE

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

Members of the Committee are:

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

In the 2016/17 fiscal year, Committee members undertook activities including:

- updating standardized *Family Law Act* orders;
- preparing an updated Without Notice Application form for litigants;
- reviewing government plans for expanded delivery of the online Parenting After Separation Program and making recommendations to the Chief Judge;
- commencing work on a flow chart for CFCSA cases to assist judges, counsel and litigants;
- receiving information about and advising the Chief Judge on Court appearances on CFCSA matters by articulated students or paralegals;
- acting as the designated Judges to hear emergency after-hours applications;
- advising on Hague Convention protocol issues;
- forwarding information and recommendations on FLA file commencement locations to the Family Rules Working Group;
- reviewing issues and monitoring implementation of the service of FLA Protection orders by third party contractors;
- responding to queries raised by members of the Court; and
- updating and editing materials on the Court's internal and public websites.

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

CIVIL LAW COMMITTEE

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

The members of the Civil Law Committee in 2016/17 are:

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

In 2016/17, the Committee was actively engaged in weekly and then bi-weekly consultations with the provincial government Working Group, leading to the implementation of the Civil Resolution Tribunal small claims process. The Committee's role was to respond to and advise the Chief Judge about proposals for amendments to the Small Claims Court Rules as a result of the changing jurisdiction of the Court.

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

JUDGES TECHNOLOGY WORKING GROUP

As part of the Court's continued commitment to utilize technology where appropriate, Chief Judge Crabtree created the Judges Technology Working Group. The mandate of the working group is to review the utility and desired features of software applications to aid judicial officers in the performance of their duties. A key consideration for the adoption of a software application is the ability of Judges to access court file material electronically both in and outside of the courtroom.

The following Judges are members of the working group:

- The Honourable Judge G. Gill
- The Honourable Judge G. Cohen
- The Honourable Judge H. Seidemann III
- The Honourable Judge T. Woods

“ A new standard of engagement.

While certainly unique, this effort [the Twitter Town Hall] seems a natural progression from the offline and online work this particular court has done to engage with the legal community and public at large.

The B.C. legal community will be very familiar with the extensive and transformative change that has been coming out of the Provincial Court of B.C. under Chief Judge Crabtree's leadership and 7-year tenure. Over the past year, those of us on the other side of the Rockies started to get a glimpse as the court began to demonstrate *a passion for digital outreach and a flair for blogging and Twitter engagement.*

If you haven't yet, you really must check out their [e-news site](#) and begin following [@BCProvCourt](#). *Both deliver useful and often fascinating content in a very human voice. The Twitter account in particular shows a genuine interest in the stories it finds and shares, and in the accounts that follow it.*

From SLAW, Canada's Online Legal Magazine, April 12, 2016 by Colin LaChance

SUPPORTING THE GUYANESE JUSTICE SYSTEM

The Provincial Court has been contributing to a two-year project of B.C.'s Justice Education Society to help strengthen the criminal justice system in Guyana, a Commonwealth country on the north coast of South America. The project aims to strengthen the confidence of the Guyanese people in their justice system by developing the technical capacity of the police, prosecutors and magistrates to work with criminal evidence. It includes training in criminal investigations, case preparation, evidence handling, and trial advocacy.

Since 2015, retired Judge M. Hicks, Associate Chief Judge M. Gillespie and Chief Judge T. Crabtree have joined teams travelling to the country. These teams met with justice system participants to support them as they identified priorities and planned curriculum. Judges were also involved in assessing challenges faced by the Guyanese system and suggesting solutions.

In October 2016, representatives of the Guyanese court system spent an intense week in Vancouver on a study tour focused on court administration concepts and design. It highlighted the initiatives the B.C. Provincial Court has studied, developed and implemented in recent years to maximize the effective, equitable and efficient use of its resources and minimize wait times for trials. Participants learned about the Court's specialized and problem-solving courts, use of technology, and system performance measures, as well as trial scheduling, early resolution, and case management strategies.

Headed by Guyana's Chancellor of the Judiciary, the Honourable Carl Singh, O.R. C.C., the delegation included a High Court judge, the country's Chief Magistrate, and its Director of Public Prosecution. The Court provided an intensive program packed with presentations, courtroom visits, and opportunities for discussion with those involved in the initiatives they were studying. Daily debriefing sessions allowed the delegates to discuss possible applications of what they had learned that day to their own system and to identify related issues.

Chancellor Singh remarked that before their visit Chief Judge Crabtree had prepared "an extremely valuable report" with suggestions for the Guyanese to consider, and that actually seeing the measures he suggested in action would help move things forward to implementation. He stressed his appreciation for the welcome the delegation received, saying, "All the judges and others we spoke to were very accommodating, warm, and helpful".

The Court looks forward to future collaboration with Guyanese judicial colleagues.



Guyanese Judicial Study Tour Delegation and hosts

Photo left to right: JES Guyana Country Representative Rolinda Kirton, JES Guyana Project Manager Evelyn Neaman, Guyana High Court Justice Reynolds, Chief Judge Thomas Crabtree, Chancellor Singh, Chief Magistrate McLennan, Director of Public Prosecution Ali-Hack, Vancouver lawyer Chris Johnson and Judge Michael Hicks (retired).

INNOVATION

The Provincial Court of B.C. has developed a reputation for using innovative solutions in its continuing efforts to improve the services it offers to the citizens of the province. Several key initiatives have begun or moved forward during the 2016/17 fiscal year with the goal of providing timely, effective and equitable justice.

ACCESS TO JUSTICE BC

Chief Judge Crabtree is a member of the Executive and Leadership Group of [Access to Justice BC](#) (A2JBC), a network of justice system stakeholders chaired by the Chief Justice of British Columbia and collectively committed to improving access to justice in three measurable ways:

- improving access to justice for the whole population;
- improving each user's experience of the justice system; and
- improving costs.

Formed in response to a national call for action from the Chief Justice of Canada to make family and civil justice more accessible, A2JBC is committed to listening to users' experience and involving them in developing solutions. Its unique membership brings to the table perspectives from Indigenous and multicultural communities, self-represented litigants, people with disabilities, small businesses, non-profits, government, judges, lawyers and other sectors like health and community services. In this fiscal year, A2JBC focused on the family justice system and supported initiatives to make lawyers' services more accessible, affordable and useful by making "[unbundled](#)" services available.

SUPPORT PERSON GUIDELINES

Self-represented litigants have identified the ability to have someone attend court with them as an important aspect of access to justice. As part of its own efforts to improve meaningful access to justice for self-represented litigants, the Provincial Court worked during this fiscal year to develop Guidelines to provide a measure of certainty about when people will be permitted to have a support person help them in Provincial Court, and the scope of that help.

Effective April 10, 2017, the Court's [Guidelines for Using a Support Person in Provincial Court](#) will make it clear that the Court welcomes support persons to provide quiet help to self-represented litigants in civil and family court trials.

JUSTICE SUMMITS

The Chief Judge, together with the Court's Legal Officers attended the sixth Justice Summit held in June 2016 and the seventh Justice Summit in November 2016. These two summits were hosted in the traditional fashion by the Attorney General and the Solicitor General. The Justice Summit themes

for both meetings involved justice, mental health and substance use issues. There were a number of presentations about these issues and attendees had the opportunity to discuss various services available to help the people of British Columbia coping with mental health and substance use issues.

SPECIALIZED COURTS

Developed in collaboration with B.C. communities to address certain community problems in more effective ways, the Provincial Court's specialized courts continue to apply innovative approaches, primarily in criminal sentencing procedures. Through ongoing consultation and collaboration with social and health services agencies, the Court is addressing the particular needs of offenders with mental health and substance-abuse issues, as well as cases involving domestic violence in various communities.

The Court's specialized courts include one of Canada's oldest Drug Treatment Courts, its first Community Court located in downtown Vancouver, the Victoria Integrated Court, as well as Domestic Violence Courts in Duncan and Nanaimo.

This year Chief Judge Crabtree has continued to consult with First Nations communities and their wider communities about expanding the Province's four First Nations Courts, located in New Westminster, North Vancouver, Kamloops and Duncan. These Courts provide holistic support and healing to assist in rehabilitation and reduce recidivism.

Drug Treatment Court of Vancouver

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

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

The program's goal is to help offenders achieve:

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

For a minimum of 14 months, DTCV participants undergo drug addiction treatment supervised by a DTCV Judge. The participants receive services from addiction counsellors, case managers, a psychologist, a physician who specializes in addictions medicine, a nurse and a financial assistance worker. Drug use is monitored through random urine screening.

The participants move through four phases of the program (pre-treatment, recovery skills, stabilization and seniors group). At the end of the 14-month period, the participants may be eligible to "graduate" from the program and receive either a non-custodial sentence or have the Crown stay (not proceed with) their charge.

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

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

In the 2016/2017 fiscal year, DTCV approved 37 new intakes as eligible to participate in the drug treatment program. Of this cohort, 9 (24%) were women. As at March 31, 2017 there were 51 participants (17 women and 34 men) in the program. The average monthly number of participants in the treatment program was between 48 and 50 persons. Seven persons from outside the lower mainland were accepted into the Court's program on charges waived into Vancouver Provincial Court from other jurisdictions. Of note, eight participants completed all four phases of the program and graduated from the treatment program in fiscal year 2016/2017.

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

Vancouver's Downtown Community Court

Canada's first community court, the Vancouver Downtown Community Court (DCC), coordinates with multiple agencies to effectively address the root causes of crime in the region, notably mental illness, addiction and poverty. Opened in September 2008 as a collaboration between the Provincial Court and the Government of British Columbia, it focuses on a Vancouver catchment area including downtown and the Downtown Eastside.

The DCC attempts to prevent criminal activity and address the risks posed by offenders, while also supporting their health and social needs, through a partnership of justice, social and health care services. Together, they provide a timely, coordinated and meaningful response to treating



Nelson

and sentencing offenders. The needs of victims of crime are also addressed with an onsite victim support worker available to provide information, support and referrals to programs and services.

In 2016, the DCC saw 3,965 cases relating to 2,147 offenders ("clients")³⁴. Clients at DCC can be referred into three programs: The Case Management Team, the Mental Health Program, and the Diversion or Alternate Measures Program, which includes Aboriginal programs. In 2016, these programs resulted in 209 clients finding housing through BC Housing.

DCC clients sentenced to perform community work service provided the community with 3,465 hours of work, of which 1,632 benefitted local non-profit agencies. This work service links clients to outside agencies like the Downtown Eastside Women's Centre, Coast Mental Health and the Carnegie Centre.

The DCC also offers programs on site to connect clients to beneficial classes including Self-Management and Recovery Training, Conflict Resolution, Anger Management, and Life Skills. In 2016, DCC referred 1,067 clients to these programs.

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

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

³⁴ In last year's annual report the number of appearances was reported instead of the number of cases. In 2015 the DCC saw 3,746 cases relating to 2,164 offenders.



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Victoria Integrated Court

Since 2010, the Victoria Integrated Court (VIC) has focused on addressing the health, social and economic needs of chronic offenders; improving public safety; and holding offenders accountable for their actions in a timely manner.

VIC commenced after the Provincial Court responded to a community-led initiative to address street crime in Victoria by adopting an integrated approach to chronic offenders with mental health and substance-abuse issues. A small number of homeless people with these problems were responsible for many police encounters, health care interventions and court appearances. Integrated teams of police, health, social workers and community corrections service providers began to deliver emergency and health services to these people. VIC deals, for the most part, with people supported by one of these teams.

VIC is not a trial court, but eligible individuals may have bail hearings or plead guilty and be sentenced in VIC. Those who plead not guilty are tried in the regular court system, but if found guilty and given a community sentence, they may have that sentence supervised in VIC. In the Integrated Court, Judges are told about housing, medical and other issues affecting an offender, and they hear recommendations for orders to help a team support and supervise the offender, including engaging in treatment and in community service.

Teams that include community outreach workers, social workers, probation officers and police meet weekly with the dedicated Crown counsel and defence counsel to plan support and supervision

in the community. The teams closely monitor the participants and review them as needed in a Court hearing, a unique feature of VIC that contributes to its effectiveness.

While the number of persons appearing in the Victoria Integrated Court (VIC) decreased in 2015/2016, that trend has reversed itself. In the 2016/2017 year, the number of persons appearing increased to 122. This year the issue of housing dominated the attention of the Working Group, which collaborates on issues that impact the work of the Court. Efforts are currently underway to have a regular housing liaison attend court each Tuesday so that clients' housing problems may be addressed. Furthermore, mental health issues, particularly those which impact public safety, have been closely monitored by the Court and steps have been taken to ensure that those cases which require close attention receive particular attention from the presiding Judge.

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

Domestic Violence Courts

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

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

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

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

In 2013 a similar court was established in Nanaimo

through the collaborative effort of the local coordinating committee for domestic safety. In May of 2016 a domestic violence initiative was undertaken at the Surrey Courthouse in which all domestic violence cases are assigned to one courtroom to deal with front end appearances. This initiative is supported by a dedicated duty counsel and a domestic violence team of prosecutors.

In Kelowna, Penticton and Kamloops, particular days are scheduled for domestic violence cases to ensure that they receive early trial dates and can proceed through court without delay.

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

First Nations Court

The first four First Nations Courts continue to operate throughout British Columbia:

- New Westminster (established in 2006)
- North Vancouver (2012)
- Kamloops (2013)
- Duncan (2013)

First Nations Courts are developed in consultation with local First Nations, the community at large, the police, community corrections, Crown counsel, the defence bar, and many other support service groups such as the Native Court Worker and Counselling Association of British Columbia. The approach of the First Nations Court is holistic, recognizing the unique circumstances of First Nations offenders within the framework of existing laws.

This year there have been initial consultations with a number of First Nation Communities including in Prince George, Hazelton, Merritt, and Williams Lake to explore the feasibility of such an approach.

The ongoing intent of the restorative approach in these courts is to address criminal matters for offenders with a First Nations background more effectively. The Court provides support and healing to assist offenders in their rehabilitation and to reduce recidivism. It also seeks to acknowledge and repair the harm done to the victims and the community. The Court encourages local First Nations communities to contribute to the proceedings.

The success of this initiative is due in large part to the effort of a number of stakeholders, including the community as a whole, Elders and the Legal Services Society. The Court continues to work with stakeholders in the hope that this initiative will continue to evolve and the restorative approach will be adopted when appropriate to meet the needs of the communities involved. Additional information regarding First Nations Courts can be found on the Provincial Court [website](#).

Aboriginal Family Healing Court Conference

For several years the Court has worked with a group of Elders in New Westminster and representatives from Ministry of Children and Family Development, Ministry of Aboriginal Relations and Reconciliation, and the Ministry of Justice to create a new process for aboriginal families in child protection cases. The result of this work is the launch of the [Aboriginal Family Healing Court Conference \(AFHCC\)](#) pilot project in New Westminster on January 24, 2016.

The AFHCC project provides families with support before, during and after the case conference, with the following goals:

1. To reduce the over-representation of Aboriginal children in care by providing cultural interventions that increase the effectiveness of court processes for child-protection cases.

2. To improve the effectiveness of the court process with respect to Aboriginal *Child, Family and Community Service Act* (CFCSA) matters by reducing the number of cases that proceed to trial.
3. To improve health, social and justice outcomes for Aboriginal children and families who come into contact with the child-protection system.

In B.C., when there are child protection concerns and the parents and the Ministry of Children and Family Development do not agree on the way forward, a case conference is often scheduled. A case conference is a mediation session between the Judge and the parties to attempt to resolve the disagreement without the necessity of a trial. This initiative attempts to provide an enhanced process with the participation of Elders.

The project offers families support, flexibility, choice and cultural connection. Key elements of the AFHCC include:

- parents and families working closely with Elders to better understand their strengths, challenges and how they can heal from the impacts of colonization and systemic racism.
- Judges, lawyers, and social workers are educated about the impact that past government policies had and continue to have on Aboriginal peoples in Canada and their culture. Cultural competency training is provided to this group of professionals.
- parents and families work with Elders, the Program Coordinator and any chosen personal or professional supports, to develop a Cultural Safety Agreement in order to provide a culturally safe environment for the family. This agreement will highlight how a family and/or children would like to ensure their cultural practices are respected and followed in all meetings related to the project, particularly in the case conference.
- the Program Coordinator will utilize tools available in B.C.'s CFCSA to improve outcomes for Aboriginal children through actively involving Aboriginal communities in child welfare matters. Involvement of Aboriginal communities can diminish the isolation parents and children experience within the child welfare process and prevent the loss of identity and disconnection experienced by past generations of Aboriginal children.
- families work with Elders and the Program Coordinator to develop a Cultural Family History Healing and Wellness Plan. Other support people identified by the family may also participate in developing the Healing and Wellness Plan. Where appropriate, aspects of the Healing and Wellness Plan may be included in any consent order that is made at the case conference.

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

This initiative is funded for three years with an evaluation to be undertaken during and the completion of the project.

VIDEO CONFERENCING

To accommodate remote bail hearings, the Court continues to use video technology that connects the Justice Centre in Burnaby to other locations where links have been established. Video technology also allows Judicial Case Managers and Judges to hear preliminary matters from a remote location. In addition, video technology allows most court locations throughout the province to accommodate

remand appearances and bail hearings by persons charged with offences appearing from a remand or custody centre.

In 2016/17, the use of video technology saved 37,304 prisoner transports for persons required to appear in court for preliminary matters, an increase of 7,799 over last year. Videoconference equipment was refreshed at one location and 18 new units were installed in the new Okanagan Correctional Centre. Believing that video capacity in all staffed courthouses and most circuit locations would reduce witness and prisoner transport costs and enhance access to justice, the Court continues to contemplate further expansion.

UBC JUDICIAL EXTERNSHIP PROGRAM

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

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

Of particular note, and a very rewarding part of the program is that each student accompanies a presiding Judge and Court party to a remote registry in British Columbia for a "Circuit Court." This opportunity broadens the students' education, exposes them to legal practice outside the Lower Mainland and offers insight into the Court as a "problem-solving" court that operates in geographic areas with significant variations in

extra-legal resources. The [eNews article](#) posted on March 15, 2016 entitled, "An intern's perspective on Circuit Court" provides a first-hand account.

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

COMMUNICATIONS INITIATIVES

In 2016/17 the Court solidified its growing reputation as a justice system leader in digital communications. The Court's Digital Communications Coordinator is responsible for its public and internal websites, writing and editing weekly [eNews](#) articles, and tweeting for the Court from [@BCProvCourt](#).

Chief Judge Crabtree hosted the first court Twitter Town Hall in Canada, eliciting widespread praise for his willingness to engage directly in two-way communication with the public and for the Provincial Court's openness. See page 66 [Twitter Town Hall Box] for more on this event.

INTERNAL COMMUNICATIONS

The Court launched a new internal website in July 2016. A joint effort of the Court's Systems IT Department and its Digital Communications Coordinator, the attractive and engaging new site provides judicial officers and staff with easy access to information relevant to their work. The development process involved input from an advisory board representing all site users. An editorial board was established to contribute content and ensure the site remains current.

WEBSITE

The Court continued to update its public website, www.provincialcourt.bc.ca, and add new material of use to self-represented litigants, the public, media and lawyers. The Court augmented its popular "Court Locations and Hours" web page and developed a procedure to ensure it is updated

promptly with changes in court sitting days and times. It began posting announcements of Judges' retirements and transfers, updated its "Resources" pages for criminal, family and small claims cases and added notes describing the links provided. The addition of Judges' and Judicial Justices' first names to the lists of judicial officers was welcomed by the media.

FIGURE 37 - THE NUMBER OF VISITORS TO THE PROVINCIAL COURT WEBSITE IN 2016

UNIQUE VISITORS	TOTAL VISITORS	PAGE VIEWS	AVERAGE TIME ON SITE
234,766	407,314	982,213	2.41 Minutes

ENEWS

The Court continued to publish weekly eNews stories describing Court projects and procedures, judicial officers' activities, and related community resources on its public website at www.provincialcourt.bc.ca/enews.

Articles published in 2016/17 included reports on the Downtown Community Court, Victoria Integrated Court, Dease Lake Circuit Court, and articles about individual Judges' and Judicial Justices' volunteer activities and achievements. An article on upcoming changes to small claims court jurisdiction received thousands of pageviews. eNews articles quite often formed the basis of articles in Vancouver, regional, online, and even international newspapers.

There were 22,395 page views of eNews articles in 2016.

TWITTER

The Court uses Twitter to share information and engage with the public. Its Twitter account, [@BCProvCourt](https://twitter.com/BCProvCourt), uses an informal, conversational tone and shares links to interesting articles, news, and cases, as well as to its own announcements, web pages, and eNews. In this fiscal year the number of followers grew steadily by March 31, 2016. As followers re-tweeted the Court's tweets they reached a much larger audience.

Followers expressed their appreciation of the Court's social media engagement in tweets. The interesting content and conversational tone of the B.C. Provincial Court's tweets won praise, with followers describing the Court's "passion for digital outreach" and "flair for blogging and Twitter engagement" and calling it "one of the best uses of Twitter by a public institution".



...these innovations help make the Court, law and legal resolution a bit less imposing and formidable. The Chief Judge, while being totally professional, showed that he is also approachable and real. This Town Hall has helped put a real human face on the Court."

David Billinsky, SLAW, Canada's Online Legal Magazine, April 15, 2016

#ASKCHIEFJUDGE, THE FIRST TWITTER TOWN HALL HELD BY A COURT IN CANADA

The Provincial Court made history on April 14, 2016 as the first court in Canada to hold a Twitter Town Hall. Lauded by participants and media, the event even earned the Court the coveted social media status of 'trending' in Vancouver.

The Court worked with justice system organizations like the Canadian Bar Association B.C. Branch, Courthouse Libraries B.C., the Law Society of B.C., Trial Lawyers' Association, Legal Services Society and Access Pro Bono. In addition, the Court worked with law schools to plan the event and spread the word that Chief Judge Crabtree would answer questions they tweeted to the hashtag #AskChiefJudge during Law Week.



During a two-hour period, the Chief Judge tweeted 100 direct answers to 72 questions (some answers took more than 140 characters, the limit imposed by Twitter). The response was universally positive. Individuals and organizations tweeted their congratulations and thanks. The Vancouver Sun called it "an obvious success".

Twitter Canada chose the Court's Town Hall as one of its Canada Day lineup of amazing stories, explaining that the Court's Town Hall gave B.C. residents a rare opportunity to connect with B.C. Provincial Court Chief Judge Thomas Crabtree in real time.

The Twitter Town Hall also received national and international recognition. The event was featured as one of three outstanding communications initiatives by the international Conference of Court Public Information Officers in August 2016, and served as a model for a Twitter Town Hall held by courts in Georgia, U.S.

For more information on the Twitter Town Hall see:

[A First for BC Provincial Court](#)

[International Recognition for Provincial Court's Twitter Town Hall](#)

FINANCIAL REPORT

Over the course of the past fiscal year, the Finance Department continued to support the judicial officers and staff of the Provincial Court of B.C.

The role and function of the Finance Department are to:

- create, update and implement OCJ finance policies and procedures;
- process accounts payable expenditures including invoices, reimbursements and travel claims for over 300 clientele;
- reconcile and process petty cash, monthly purchases and travel card statements for all users across the province;
- initiate continuous business process improvement ideas;
- respond to finance queries and provide assistance to all judicial officers and staff across the province;
- complete and process general incident and loss reports for the Judiciary;
- administer Court education conferences; and
- liaise with internal and external stakeholders on financial matters.

The Finance department worked with an external consultant to identify areas for improved operations, and have since implemented a number of recommendations. The results have been positive and improvements continue to be achieved.

Figure 38 demonstrates the expenses incurred by the Provincial Court during the 2016/17 fiscal year.

FIGURE 38 - PROVINCIAL COURT 2016/17 FINANCIAL REPORT

	BUDGET	ACTUAL	VARIANCE	
Salaries	\$39,568,868	\$38,883,501	\$685,367	(1)
Supplemental Salaries	\$111,420	\$92,886	\$18,534	
Benefits	\$9,572,616	\$9,492,137	\$80,479	(2)
Judicial Council/Ad Hoc/Per Diem	\$1,993,932	\$2,338,203	(\$344,271)	(3)
Travel	\$1,445,164	\$1,447,656	(\$2,492)	
Professional Services	\$640,042	\$566,767	\$73,275	(4)
Information Systems	\$512,500	\$600,151	(\$87,651)	(5)
Office Expenses	\$1,352,000	\$1,478,233	(\$126,233)	(6)
Advertising	\$3,000	\$0	\$3,000	
Utilities and Supplies	\$94,000	\$96,179	(\$2,179)	
Vehicles	\$60,000	\$58,173	\$1,827	
Amortization	\$457,000	\$385,099	\$71,901	(7)
Tenant Improvements	\$100,000	\$158,339	(\$58,339)	(8)
CAPCJ Grant	\$8,000	\$0	\$8,000	
Library	\$216,000	\$26,506	\$189,494	(9)
General Expense	\$9,000	\$0	\$9,000	
Total Operating Expenses	\$56,143,542	\$55,625,131	\$518,411	
VARIANCE ANALYSIS				
(1) Savings due to delays in both judicial appointments and staff hirings				
(2) Related to salary savings				
(3) Increase of daily rates paid to Judicial Justices as a result of Government Motion 17				
(4) Professional service contracts				
(5) Maintenance of information systems, computer software and licenses				
(6) Temporary staffing to fill hiring lags, library expenses reallocated				
(7) Core government policy change in accounting for amortization calculation				
(8) Minor repairs to judicial chambers across the Province				
(9) Library expenses reallocated to Office Expenses				

COMPLAINTS

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

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

During the period from January 1, 2016 to December 31, 2016, the Office of the Chief Judge received 336 letters of complaint. While that is a marked increase over the previous year, on assessment 313 matters were found not to be complaints within the authority of the Chief Judge. Most of these amounted to appeals from a judicial decision, and the complainants were sent appropriate information about appealing. Examinations were commenced in the remaining matters. Including complaints carried over from 2015, 27 examinations were completed and all resolved at the examination stage during 2016.

Summaries of the completed complaint examinations can be found in [Appendix 3](#). Figure 39 tracks complaint statistics and outcomes for the last decade. Since 2007, all complaints have been resolved at the examination stage.

FIGURE 39 - COMPLAINTS STATISTICS, 2007-2016³⁵

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Letters received	258	216	245	280	272	227	253	273	204	336
Non-complaints (those found not to be within Section 11 of the PC Act)	205	169	207	225	239	206	225	254	164	313
Examinations of complaints performed to December 31, 2016	* 53	* 45	* 35	* 29	* 39	* 21	* 20	* 28	* 19	* 26
Investigations of complaints performed	0	0	0	0	0	0	0	0	0	0
Files unresolved by December 31, 2016	0	0	0	0	0	0	0	11	23	7

For a more detailed explanation of complaints received during 2016, see [Appendix 3](#).

³⁵ * Indicates that an examination may have dealt with more than one letter from a complainant or more than one complaint about the same matter.

APPENDIX 1: JUDICIAL OFFICERS

FIGURE 40 - LIST OF JUDGES AS OF MARCH 31, 2017

PROVINCIAL COURT JUDGES, 2016/17	
OFFICE OF THE CHIEF JUDGE	STATUS
Chief Judge Thomas Crabtree	
Associate Chief Judge Melissa Gillespie	
Associate Chief Judge Susan Wishart	
Judge Nancy Adams	Full Time
Judge Wilfred Klinger	Senior
Judge William G. MacDonald	Senior
FRASER REGION	STATUS
Regional Administrative Judge Robert Hamilton	
Judge Therese Alexander	Full Time
Judge Kimberley Arthur-Leung	Full Time
Judge Patricia Bond	Full Time
Judge Gregory Brown	Full Time
Judge Richard Browning	Full Time
Judge Andrea Brownstone	Full Time

PROVINCIAL COURT JUDGES, 2016/17

Judge Valliammai Chettiar	Full Time
Judge Gary Cohen	Full Time
Judge Pedro L.J. de Couto	Senior
Judge Paul Dohm	Full Time
Judge Shehni Dossa	Full Time
Judge Kathryn Ferriss	Full Time
Judge Deanne Gaffar	Full Time
Judge Donald Gardner	Full Time
Judge Gurmail S. Gill	Full Time
Judge Ellen Gordon	Full Time
Judge Peder Gulbransen	Senior
Judge Robert Gunnell	Full Time
Judge Brent G. Hoy	Senior
Judge Eugene Jamieson	Full Time
Judge Patricia Janzen	Full Time
Judge Peter LaPrairie	Full Time
Judge Robin McQuillan	Full Time
Judge Richard D. Miller	Senior
Judge Steven Point	Full Time
Judge Deirdre Potheary	Senior
Judge Edna M. Ritchie	Full Time

PROVINCIAL COURT JUDGES, 2016/17	
Judge Jill Rounthwaite	Part Time
Judge Kenneth D. Skilnick	Full Time
Judge Garth Smith	Full Time
Judge Jay Solomon	Full Time
Judge Patricia Stark	Full Time
Judge Daniel M.B. Steinberg	Full Time
Judge Danny Sudeyko	Full Time
Judge James Sutherland	Full Time
Judge Rory Walters	Full Time
Judge Daniel Weatherly	Full Time
Judge Alexander M. D. Wolf	Full Time
Judge Thomas Woods	Full Time
Judge Wendy Young	Full Time
INTERIOR REGION	STATUS
<p>Regional Administrative Judge Robin Smith (until January 31, 2017)</p> <p>Regional Administrative Judge Ellen M. Burdett (as of February 1, 2017)</p>	
Judge Robert G. P. Brown	Full Time
Judge Jane P. Cartwright	Senior
Judge Bradford Chapman	Senior
Judge Christopher D. Cleaveley	Full Time

PROVINCIAL COURT JUDGES, 2016/17	
Judge Edmond F. de Walle	Senior
Judge Roy Dickey	Full Time
Judge Lynal Doerksen	Full Time
Judge Stella Frame	Full Time
Judge Stephen Harrison	Full Time
Judge Cathaline Heinrichs	Full Time
Judge Richard Hewson	Full Time
Judge P. Vincent Hogan	Senior
Judge Gregory Koturbash	Full Time
Judge Leonard Marchand	Full Time
Judge D. Mayland McKimm	Full Time
Judge R. Dennis Morgan	Full Time
Judge Philip Seagram	Full Time
Judge Meg Shaw	Full Time
Judge William Grant Sheard	Full Time
Judge Gale G. Sinclair	Senior
Judge Robin R. Smith	Senior
Judge Mark Takahashi	Senior
Judge J. James Threlfall	Senior
Judge Lisa Wyatt	Full Time

PROVINCIAL COURT JUDGES, 2016/17	
NORTHERN REGION	STATUS
Regional Administrative Judge Michael Brecknell	
Judge Elizabeth L. Bayliff	Senior
Judge Richard R. Blaskovits	Full Time
Judge Rita Bowry	Full Time
Judge Randall Callan	Full Time
Judge Brian Daley	Full Time
Judge Judith Thorne Doulis	Full Time
Judge Victor Galbraith	Full Time
Judge Michael Gray	Full Time
Judge William Jackson	Full Time
Judge Shannon Keyes	Full Time
Judge Cassandra Malfair	Full Time
Judge Susan Mengerling	Full Time
Judge Herman Seidemann III	Senior
Judge Dwight Stewart	Full Time
Judge Calvin Struyk	Full Time
Judge Karen Whonnock	Full Time
Judge Terence Wright	Full Time

PROVINCIAL COURT JUDGES, 2016/17	
VANCOUVER REGION	STATUS
Regional Administrative Judge Raymond Low (until June 30, 2016) Regional Administrative Judge James Wingham (as of July 1, 2016)	
Judge James Bahen	Full Time
Judge Laura Bakan	Full Time
Judge Elisabeth Burgess	Full Time
Judge Joanne Challenger	Full Time
Judge Patrick Chen	Senior
Judge Bonnie Craig	Full Time
Judge Kathryn Denhoff	Full Time
Judge Harbans Dhillon	Full Time
Judge Patrick Doherty	Full Time
Judge Bryce Dyer	Senior
Judge Joseph Galati	Full Time
Judge Maria Giardini	Full Time
Judge Thomas J. Gove	Senior
Judge Reginald Harris	Full Time
Judge Frances E. Howard	Senior
Judge Wilson Lee	Full Time

PROVINCIAL COURT JUDGES, 2016/17	
Judge Raymond Low	Senior
Judge Malcolm MacLean	Full Time
Judge Steven Merrick	Full Time
Judge Paul Meyers	Full Time
Judge John Milne	Full Time
Judge Douglas E. Moss	Senior
Judge Jennifer Oulton	Full Time
Judge Nancy Phillips	Full Time
Judge Rose Raven	Full Time
Judge Gregory Rideout	Full Time
Judge William J. Rodgers	Senior
Judge Donna Senniw	Full Time
Judge Lyndsay Smith	Full Time
Judge David St.Pierre	Full Time
Judge Jodie F. Werier	Full Time
VANCOUVER ISLAND REGION	STATUS
Regional Administrative Judge Robert Higinbotham	
Judge Jennifer Barrett	Full Time
Judge Evan C. Blake	Senior
Judge Adrian Brooks	Full Time
Judge Loretta F. E. Chaperon	Senior

PROVINCIAL COURT JUDGES, 2016/17	
Judge J. Douglas Cowling	Senior
Judge Catherine A. Crockett	Full Time
Judge Roger Cutler	Full Time
Judge Peter M. Doherty	Senior
Judge Barbara Flewelling	Full Time
Judge Ted Gouge	Full Time
Judge Brian Harvey	Full Time
Judge Robert A. Higinbotham	Full Time
Judge Brian Hutcheson	Full Time
Judge Ronald Lamperson	Full Time
Judge Christine Lowe	Full Time
Judge J. Parker MacCarthy	Full Time
Judge Lisa Mrozinski	Full Time
Judge David R. Pendleton	Senior
Judge Ernest Quantz	Senior
Judge Justine E. Saunders	Full Time
Judge Ronald J. Webb	Full Time

FIGURE 41 - LIST OF JUDICIAL JUSTICES AS OF MARCH 31, 2017

JUDICIAL JUSTICES, 2016/17	
SITTING DIVISION (FULL TIME)	ASSIGNMENT
Administrative Judicial Justice Kathryn Arlitt	Justice Centre/Traffic
Administrative Judicial Justice Gerry Hayes	
Judicial Justice Irene Blackstone	Traffic
Judicial Justice Joseph Chellappan	Justice Centre/Traffic
Judicial Justice Brad Cyr	Justice Centre
Judicial Justice Patrick Dodwell	Traffic
Judicial Justice Joan Hughes	Traffic
Judicial Justice Susheela Joseph-Tiwary	Traffic
Judicial Justice Maria Kobiljski	Traffic
Judicial Justice Zahid Makhdoom	Traffic
SITTING DIVISION (PART TIME)	ASSIGNMENT
Judicial Justice Brent Adair	Justice Centre/Traffic
Judicial Justice Bradley Beer	Justice Centre/Traffic
Judicial Justice Edward Bowes	Justice Centre/Traffic
Judicial Justice Anna-Maya Brown	Justice Centre
Judicial Justice Brian Burgess	Justice Centre/Traffic
Judicial Justice Norman Callegaro	Justice Centre
Judicial Justice Alison Campbell	Justice Centre

JUDICIAL JUSTICES, 2016/17	
Judicial Justice Brenda Edwards	Justice Centre/Traffic
Judicial Justice Hunter Gordon	Justice Centre/Traffic
Judicial Justice Fraser Hodge	Justice Centre
Judicial Justice Tim Holmes	Justice Centre
Judicial Justice Laurie Langford	Justice Centre/Traffic
Judicial Justice Holly Lindsey	Justice Centre/Traffic
Judicial Justice Christopher Maddock	Justice Centre/Traffic
Judicial Justice Carmella Osborn	Justice Centre/Traffic
Judicial Justice Debra Padron	Justice Centre
Judicial Justice Carol Roberts	Justice Centre
Judicial Justice Peter Stabler	Justice Centre/Traffic
Judicial Justice David Schwartz	Justice Centre
Judicial Justice Dave Maihara	Justice Centre
Judicial Justice Linda Mayner	Traffic
Judicial Justice Candice Rogers	Justice Centre

FIGURE 42 - LIST OF JUSTICE OF THE PEACE ADJUDICATORS AS OF MARCH 31, 2017

JUSTICE OF THE PEACE ADJUDICATORS, 2016/17
Bryan Baynham
Frank Borowicz
Barbara Cornish
Kenneth Glasner
Karl Warner
Karen Nordlinger
Marina Pratchett
Dale Sanderson

FIGURE 43 - LIST OF JUDICIAL CASE MANAGERS AS OF MARCH 31, 2017

JUDICIAL CASE MANAGERS, 2016/17	
OFFICE OF THE CHIEF JUDGE	STATUS
Administrative JCM Todd Rosie (from June 2016 - January 2017) Administrative JCM Yvonne Hadfield (as of January 2017)	Full Time
JCM Supervisor Yvonne Hadfield (until January 2017) JCM Supervisor Laura Caporale (as of February 2017)	Full Time
FRASER REGION	STATUS
JCM Michelle Danyluk	Part Time

JUDICIAL CASE MANAGERS, 2016/17	
JCM Marylynn deKeruzec	Part Time
JCM Sheryl Gill	Auxiliary
JCM Heather Holt	Full Time
JCM Lana Lockyer	Full Time
JCM Lila MacDonald	Full Time
JCM Amy Mitchell	Part Time
JCM Andrea Schultz	Full Time
JCM Maureen Scott	Full Time
JCM Suzanne Steele	Full Time
JCM Sandra Thorne	Full Time
JCM Bianca West	Part Time
JCM Julie Willock	Full Time
INTERIOR REGION	STATUS
JCM Kathy Bullach	Part Time (as of April 2016)
JCM Sandra Hadikin	Part Time
JCM Dalene Krenz	Full Time
JCM Arlene McCormack	Part Time
JCM Sheila Paul	Full Time
JCM Lori Stokes	Full Time
JCM Betty Vincent	Auxiliary

JUDICIAL CASE MANAGERS, 2016/17	
JCM Marj Warwick	Full Time
NORTHERN REGION	STATUS
JCM Donna Bigras	Full Time (Retired March 31, 2017)
JCM Faye Campbell	Full Time
JCM Crystal Foerster	Part Time
JCM Ronda Hykawy	Full-Time
JCM Sherry Jasper	Auxiliary
JCM Sarah Lawrence	Full Time (Maternity Leave as of January 2017)
JCM Lyne Leonardes	Full Time
JCM Hillary Lewis	Full Time (Temporary Assignment as of November 2016)
JCM Sharon MacGregor	Part Time
JCM Deb Pillpow	Auxiliary
JCM Elesha Saunders	Full Time (as of January 2017)
VANCOUVER ISLAND REGION	STATUS
JCM Jill Appleton	Full Time (as of August 2016)

JUDICIAL CASE MANAGERS, 2016/17	
JCM Alison Bruce	Full Time (Retired July 2016) Auxiliary (as of February 2017)
JCM Delaine Carey	Auxiliary
JCM Lori Dhillon	Full Time
JCM Shannon Cole	Full Time
JCM Deborah Henry	Full Time (Retired February 2017)
JCM Lisa Harrison	Part Time (as of February 2017)
JCM Yvonne Locke	Full Time (Retired January 2017)
JCM Veronica Mitchell	Full Time
JCM Arlene Sutton-Atkins	Part Time
VANCOUVER REGION	STATUS
JCM Kelly Butler	Full Time
JCM Sarah Calla	Full Time (as of January 2017)
JCM Laura Caporale	Part Time (until February 2017)
JCM Rachel Fujinami	Full Time
JCM Candace Goodrich	Full Time

JUDICIAL CASE MANAGERS, 2016/17	
JCM Teresa Hill	Full Time (Retired January 2017) Auxiliary (as of March 2017)
JCM Suzanne McLarty	Full Time (Retired January 2017)
JCM Karoline Marcher	Part Time (as of January 2017)
JCM Jovanka Mihic	Part Time
JCM Judi Norton	Full Time
JCM Barbara Sayson-Brown	Full Time
JCM Dennis Toy	Full Time (Temporary Assignment as of February 2017)

APPENDIX 2: REDUCTIONS TO THE JUDICIAL COMPLEMENT

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

FIGURE 44 - LIST OF JUDGES WHO RETIRED, ELECTED TO SIT PART-TIME AS OF MARCH 31, 2017

JUDGE ³⁶	JUDICIAL REGION	DATE	REASON
Judge Donald Sperry	Interior	30-Apr-16	Retirement
Judge Judith Gedye	Vancouver	31-May-16	Retirement
Judge Marguerite Church	Northern	17-Jun-16	Appointed to Supreme Court
Judge Anthony Spence	Fraser	30-Jun-16	Retirement
Judge Valmond Romilly	Vancouver	31-Jul-16	Retirement
Judge Conni Bagnall	Vancouver	31-Aug-16	Retirement
Judge Marion Buller	Fraser	31-Aug-16	Retirement

³⁶ Does not include the two Judges who were re-appointed after completing the Senior Judges' Program

JUDGE³⁶	JUDICIAL REGION	DATE	REASON
Judge Harvey Field	Fraser	13-Dec-16	Retirement
Judge Margaret Rae	OCJ	1-Jan-17	Retirement
Judge Raymond Low	Vancouver	31-Jan-17	Senior Election
Judge Robin Smith	Interior	1-Feb-17	Senior Election
Judge Brian Neal	Vancouver Island	01-Feb-17	Retirement
Judge Jeanne Harvey	Vancouver Island	01-Feb-17	Retirement
Judge John Lenaghan	Fraser	01-Feb-17	Retirement
Judge Brian Klaver	Vancouver Island	28-Feb-17	Retirement
Judge Christine Birnie	Northern	28-Mar-17	Retirement
Judge Roderick Sutton	Vancouver Island	31-Mar-17	Retirement

APPENDIX 3: COMPLAINT SUMMARIES

COMPLAINTS AGAINST JUDGES

Complaint: The complainant asserted that the Judge mocked him and was “condescending and belligerent throughout the [small claims] trial”; “was excessively emotional throughout the trial with outbursts and aggressive motions and heavy eyeballing stares”; and that the Judge hated Christians and realtors and “had a personal agenda to take [the complainant] down”.

Review: Review of the audio recording did not support the complainant’s characterizations of his interactions with the Judge or the conclusion that the Judge acted in a manner that could fairly be described as judicial misconduct. While proceedings are not video recorded, review of the audio did not disclose audio consistent with the non-verbal conduct asserted by the complainant. No basis was provided for the assertions that the Judge hated Christians and realtors beyond the complainant’s disagreement with the decisions. The complainant was so advised in a closing letter.

Complaint: The complaint arose out of a family hearing. The complainant asserted that the Judge made “discomforting” and “degrading” comments, behaved rudely, and mocked and bullied the complainant; and that the Judge took a one sided approach.

Review: Review of the audio recording did not support the complainant’s characterizations of her interactions with the Judge or the conclusion that the Judge acted in a manner that could fairly be described as judicial misconduct. A Judge presiding over a proceeding has significant discretion in the management of a case and this would include questions put to the parties that the Judge believes are relevant to an issue they must decide. No basis was provided for the assertion that the Judge was biased beyond the complainant’s disagreement with his decisions. A report that there was no judicial misconduct was sent to the complainant, and the file was closed.

Complaint: A lawyer representing the complainants at a small claims trial asserted that the Judge “was helping the defense counsel with his argument”; “argued on behalf of the defendants”; and had “prejudged the matter”. He also asserted that the Judge “attacked [his] professional integrity by naming [him] twice during his oral reasons and admonishing [him]”.

Review: Review of the audio recording did not support the complainant’s characterizations of his interactions with the Judge or the conclusion that the Judge acted in a manner that could fairly be described as judicial misconduct. While review of the audio recording confirmed that the Judge did mention the complainant by name twice in his oral reasons for judgment, review of the audio recording did not otherwise support his assertion. The complainant was so advised in a closing letter.

Complaint: The complainant asserted that the Judge “became aggressive and threatened [him]”; that he was “rudely treated”; and that he was “ignored by the Court”. The complainant further asserted that he was ordered to leave the Court or go to jail.

Review: Review of the audio recording disclosed that interactions between the complainant and the Judge were at times strained as the Judge sought to maintain control of the proceedings and obtain information he considered relevant but that his actions could not fairly be described as judicial misconduct. While the complainant was asked strongly to leave the courtroom, the interaction was not as characterized by the complainant. A report that there was no judicial misconduct was sent to the complainant, and the file was closed.

Complaint: The complaint arose out of a small claims trial. The complainant asserted that the Judge was disrespectful and prejudicial; that he treated her and her witness with “disgust, indignation, and rudeness”; “continuously interrupted” her; “made up his mind about [her] case before the first day of trial”; and pointed his finger at her “in an aggressive manner”.

Review: A response was sought from the Judge and the audio recording reviewed. Review of the audio recording did not support the complainant’s characterizations of her interactions with the Judge or the conclusion that the Judge acted in a way that could fairly be described as judicial misconduct. A Judge presiding over a trial has significant discretion in the management of the case, including actively directing parties and witnesses in their presentation of evidence so as to ensure such evidence relates to matters the presiding Judge believes are relevant to an issue the Judge must decide. Review of the audio recording confirmed the Judge was firm but professional with all parties, and did not disclose any audio which one might believe could be consistent with the non-verbal conduct asserted. The complainant was so advised in a closing letter, which was copied to the Judge for his information.

Complaint: The complaint arose out of a small claims trial. The complainants asserted that the Judge at a small claims trial “came to court ... with his mind made up”; “was rude, angry, and impatient”; and they felt “intimidated and belittled” and that they were not allowed their “day in Court”.

Review: Review of the audio recording did not support these assertions. Instead review of the audio recording confirmed that the Judge was polite and professional to all parties throughout the trial. The Judge appropriately explained trial procedure and asked clarifying questions where the evidence was irrelevant, incomplete, or non-sequential. At the end of the proceeding the Judge confirmed that the parties had nothing more to add, and apologized if he appeared short or abrupt at times and noted that he did not intend to be but was trying to understand the claim and evidence. A report that there was no judicial misconduct was sent to the complainant, and the file was closed.

Complaint: The complaint arose out of a family proceeding. The complainant asserted that he was rushed and treated poorly; that he was expected to know how court proceedings work because of his education and work experience; and that “some stigmatizing comments” were made that mischaracterized disabilities.

Review: Review of the audio recording did not support these assertions. Instead, review of the audio recording confirmed he was given a fair opportunity to present his case and that the Judge acted professionally. Though the Judge did in one instance use the word “benefits” instead of “accommodations”, this alone did not constitute judicial misconduct. A report that there was no judicial misconduct was sent to the complainant, and the file was closed. A copy of the closing letter was provided to the Judge for his information.

Complaint: The complainants asserted that on the last day of a child protection hearing, the Judge’s “conduct came across as highly irritated” and that her “voice [was] so quiet as to be almost inaudible”.

Review: Review of the audio recording did not support these assertions or the conclusion that the Judge acted in a manner that could fairly be described as judicial misconduct. A report that there was no judicial misconduct was sent to the complainant, and the file was closed.

Complaint: The complaint arose out of a family proceeding. The complainant asserted that the Judge was “disrespectful” to her as she gave her submissions; “allowed the other party to ramble on and on and on”, but interrupted her and gave his judgment before [she was] even finished”; and “treated her like she was “a criminal who had been arrested”.

Review: Review of the audio recording did not support these assertions or the conclusion that the Judge acted in a manner that could be considered judicial misconduct. Instead, review of the audio recording confirmed that the Judge was polite and respectful to all parties throughout the proceeding and that both parties were given equal opportunities to make submissions and were appropriately asked clarifying questions by the Judge. The complainant was so advised in a closing letter.

Complaint: The complainant asserted that the Judge made comments in the course of the proceeding that were “threatening”, “offensive”, intimidating”, “demeaning”, and “inappropriate”, including “[the envelope] doesn’t have anthrax you know” (when the Judge discovered the complainant did not open an envelope containing financial disclosure by the other party) and that the Judge referred to her as “regular” when he saw her.

Review: A response was sought from the Judge and the audio recording reviewed. Review of the audio recording confirmed a brief but friendly exchange at the beginning of the proceeding when the Judge said “You guys are getting to be regulars”, to which the complainant replied “I think so, yeah”. The statement and the tone it was said in did not constitute judicial misconduct or support her characterization that it was demeaning or inappropriate. The Judge in responding to the complaint said that it was clear that they recognized each other from a previous appearance and that his comment was made in a friendly tone intended to help her feel more comfortable in the courtroom. With respect to the anthrax comment, the Judge stated that it was a lighthearted statement not intended to be offensive or threatening, and he expressed regret that she felt otherwise. It was determined that beyond receipt of a copy of the letter by the Judge, no further examination was warranted. The file was closed on that basis.

Complaint: The complainant asserted that the Judge during a video appearance made disrespectful comments to Crown Counsel about her appearance as a female identified transgender and laughed.

Review: A response was sought from the Judge and the audio recording reviewed. The Judge, in responding to the complaint, acknowledged that his comment was insensitive, hurtful, and inexcusable and he sincerely apologized for his conduct. He recognized this conduct was not consistent with the type of judicial conduct to which Judges aspire in dealing with parties, took full responsibility for his actions and wrote a letter of apology to the complainant. The file was closed on that basis.

Complaint: The complainant, a self-represented claimant in a small claims trial, asserted that the Judge was biased against him and continuously interrupted him and did not allow him to speak. He also asserted he was patronized by the Judge, the trial process was not explained to him, and he was not allowed to cross-examine the defendant.

Review: Review of the audio recording did not support these assertions or the conclusion that the Judge acted in a manner that could fairly be described as judicial misconduct. Instead, review of the audio recording confirmed that the complainant was provided the opportunity to ask the defendant questions and trial procedure was repeatedly explained to the parties. A report that there was no judicial misconduct was sent to the complainant, and the file was closed.

Complaint: This complaint arose out of a family case conference. The complainant asserted that the Judge spoke angrily and harshly; said hurtful and humiliating things; and berated him.

Review: A response was sought from the Judge and the audio recording reviewed. Review of the audio recording did not support the complainant's characterizations of his interactions with the Judge or the conclusion that the Judge acted in a manner that could fairly be described as judicial misconduct. While the Judge's tone may have appeared firm to the complainant, it was apparent from review of the audio recording that the Judge considered that approach necessary in order to maintain control of the proceeding. A report that there was no judicial misconduct was sent to the complainant with a copy to the Judge for his information. The file was closed on this basis.

Complaint: The complainant asserted that she wasn't allowed to present her case and that she was not listened to.

Review: A response was sought from the Judge and the audio recording reviewed. Review of the audio recording did not support her assertions or characterizations. Judges have a responsibility during a proceeding to maintain control of the proceeding and to ensure as much as possible that the evidence and submissions from parties remain relevant to an issue the Judge determines she must decide. The interactions between the Judge and complainant were clearly at times strained as she sought to maintain her control of the proceeding. While the Judge's tone appeared firm to the complainant, review of the audio confirmed the Judge demonstrated calmness at significant points throughout the hearing. It was determined that beyond receipt of a copy of the letter by the Judge, no further examination was warranted. The file was closed on that basis.

Complaint: The complainant asserted that the Judge at a settlement conference acted in an "ignorant" manner and that while he continually asked the claimant questions, he would not allow her to answer. The complainant further asserted that the Judge in contrast did not limit the submissions of the defense.

Review: A response was sought from the Judge. The audio recording could not be reviewed as settlement conferences were not normally audio recorded. The Judge explained that he asked questions to get an understanding of the case but that his recollection of the settlement conference was different from that of the complainant and that it would be proper and not unusual for a presiding Judge to limit irrelevant comment or submissions. He noted that it was unfortunate that the complainant had the impression that he was not interested in hearing what the claimant had to say. It appeared that the complainant may have been taken aback by the more active evaluative role of a Judge at a settlement conference. It was determined that beyond receipt of a copy of the letter by the Judge, no further examination was warranted. The file was closed on that basis.

Complaint: This complaint arose out of a family case conference. The complainant asserted that the Judge interrogated her and refused to listen to her; she felt the Judge asked inappropriate questions because she was in a same-sex relationship; and she felt bullied and scrutinized.

Review: A detailed response was received from the Judge that appeared to fully answer the concerns expressed. The audio recording could not be reviewed as family case conferences were not normally audio recorded. The Judge disputed the complainant's assertions but expressed regret about the way she was perceived. In the circumstances, it could not be concluded that the Judge engaged in judicial misconduct. A report that there was no judicial misconduct was sent to the complainant with a copy to the Judge. The file was closed on that basis.

Complaint: The complainant asserted that the Judge kept stopping her when she was giving evidence at a small claims trial.

Review: Review of the audio recording did not support the complainant's assertions or the conclusion that the Judge acted in a manner that could fairly be described as judicial misconduct. Instead, the audio recording confirmed that the Judge asked appropriate clarifying questions and asked opposing counsel to be more flexible with his objections so as to not fluster the complainant in the presentation of her evidence. A report that there was no judicial misconduct was sent to the complainant, and the file was closed.

COMPLAINTS AGAINST JUDICIAL JUSTICES (JJs)

Complaint: The complainant asserted that the JJ lectured litigants for using cell phones while driving, criticized the law in terms of the fine amount for such an offence, commended police officers for catching people on their cell phones, was not impartial, and interrupted him repeatedly in traffic court.

Review: A response was sought from the JJ and the audio recording reviewed. Review of the audio recording confirmed that the JJ did make comments that expressed judgment about the wisdom of a law. It is a basic element of judicial independence and impartiality that judicial officers not express views about the wisdom of laws because they may mistakenly lead members of the public to believe that the judicial officer's personal view as to the merits of the law may impact their decisions. The JJ acknowledged that he interrupted the complainant too many times and sincerely apologized for how he conducted the hearing. There is a responsibility on judicial officers to seek to maintain a level of calm and serenity, even in the face of challenging circumstances, so as to provide confidence to parties and observers that judicial authority is being exercised fairly and in an evenhanded manner. An Associate Chief Judge and a Legal Officer met with the JJ to discuss these concerns, and he expressed regret and committed to taking steps to address the concerns. He was also provided with and confirmed review of education materials on trial fairness, impartiality and judicial bias. The file was closed on that basis and a report was provided to the complainant with a copy to the JJ.

Complaint: The complainant in a traffic hearing asserted that he was abruptly spoken to by the Judicial Justice. He also questioned the JJ's impartiality asserting that she made comments in the nature of giving advice to the police about their conduct.

Review: This complaint was reviewed and addressed along with the following complaint. The JJ's response was considered, along with the audio recording of the proceeding. The JJ recognized that there is a responsibility on judicial officers to seek to maintain a level of calm and serenity, so as to provide confidence to parties and observers that judicial authority is being exercised fairly and in an evenhanded manner. This would include engaging in active listening and refraining from unnecessarily interrupting parties when speaking. She also recognized that judicial officers should avoid deliberate use of words or conduct, in and out of court, that could reasonably give rise to a perception of an absence of impartiality. The complainant was so informed, and the matter was closed on that basis.

Complaint: It was brought to the Chief Judge's attention that the JJ had not fairly conducted a trial and failed to give adequate assistance to a self-represented litigant. The JJ was described as obstructive and hypercritical.

Review: A response was sought from the JJ and a meeting held with the JJ, a Legal Officer, and an Associate Chief Judge to discuss judicial intervention at trial, trial fairness, impartiality, and effective communication and delivery of oral judgments. The JJ showed herself to be extremely open to the concerns raised and committed herself to taking steps to address them. These topics were also noted to be included at future JJ Education Conferences and related materials were provided to the JJ for her review and future reference. The file was closed on that basis.

Complaint: The complaint arose out of traffic proceedings. The complainant asserted that the JJ gave no "consideration of what the defendants had just presented"; he "paraded his authority over the defendants and treated the whole trial as a game"; and he acted smugly and arrogantly.

Review: A response was sought from the JJ and the audio recording was reviewed. A full traffic court list requires a certain level of efficiency. Experienced JJs may approach cases and provide a fair hearing with a level of considered dispatch that may appear to an observer to be unduly abbreviated or, at times, dismissive of expressed concerns or defenses presented. While no judicial misconduct was established, judicial officers must nevertheless be mindful of how they are perceived by reasonable members of the public observing a proceeding. The complaint was a helpful reminder to the JJ of how he may be perceived in a manner he does not intend. It was suggested that the JJ may benefit from further review of the audio recording to discern how he may be perceived in a manner he does not intend and to be mindful of the same. The file was closed on that basis and a report was provided to the complainant and the JJ for their information.

Complaint: The complainant asserted that the JJ did not act impartially and lacked intonation or emotion when speaking with him but spoke in a “soft and understanding” voice when speaking to the other party.

Review: Review of the audio recording did not support the complainant’s assertions or the conclusion that the JJ acted in a manner that could fairly be described as judicial misconduct. Instead, review of the audio recording confirmed that the JJ was polite and professional to all parties and witnesses throughout the trial. A report that there was no judicial misconduct was sent to the complainant, and the file was closed.

Complaint: This complaint arose in the context of a traffic court hearing. The complainant, a practicing lawyer in BC (and the subject of a traffic violation ticket who did not appear at the hearing) asserted that the JJ directed that the police officer make a complaint to the Law Society of B.C., and it was improper for the JJ to suggest that he “as a member of the Law Society would engage in an attempt to deceive the Court”.

Review: The audio recording of the proceeding was reviewed along with a detailed response from the JJ. Review of the audio recording confirmed that while the JJ suggested that certain documents be forwarded by the police officer to the Law Society, the JJ did not order or direct the police officer to make a complaint to the Law Society on her behalf. Review of the audio recording also confirmed that the JJ never referred to the complainant as a member of the Law Society or a lawyer or stated his occupation on the record. As a result of the complaint, the JJ had an opportunity to reflect upon her approach to the evidence presented to her in the hearing and sincerely apologized for any misunderstanding that may have occurred. It was concluded that no further action was required. The file was closed on that basis, and a report was provided to the complainant and the JJ for their information.

Complaint: The complainant asserted that the JJ spoke to him in a rude manner when he sought to adjourn his trial.

Review: Review of the audio recording did not support the complainant’s assertion or characterization of the interaction. Instead, the JJ was going through the trial list in alphabetical order and was in the middle of the first trial when the complainant interrupted the cross examination of a witness. The JJ attempted to explain that while court begins at 9:30 am, the complainant’s specific proceeding may not be heard until later; however, the JJ was not able to complete comments to him without interruption and therefore brought a close to the discussion by wishing him a good day. A report that there was no judicial misconduct was sent to the complainant, and the file was closed.

Complaint: The complaint arose out of a bylaw hearing which was decided by the JJ. The complainant asserted that the JJ interfered with the complainant's ordering of transcripts of proceedings and asserted that he would contact the City of Vancouver with respect to him and that the JJ "would be watching [him]".

Review: The audio recording of the proceedings was reviewed along with a response from the JJ. It also came to the Chief Judge's attention that the JJ's decision at trial was appealed by the complainant in B.C. Supreme Court. The B.C. Supreme Court dismissed his appeal and addressed grounds of appeal that were similar to the concerns expressed in his complaint. It was apparent that the complainant's concerns with respect to the JJ related to his articulation of Reasons for Judgment in the case, as well as comments in his Reasons for Sentence and related matters. Judicial officers are provided significant discretion in how they wish to express concerns they have in the course of a judgment or sentencing. Against this background, it could not fairly be concluded that the JJ conducted himself in a manner that could be described as judicial misconduct. A report that there was no judicial misconduct was sent to the complainant and copied to the JJ, and the file was closed.

COMPLAINT AGAINST JUSTICE OF THE PEACE (JP) ADJUDICATOR

Complaint: The complainant brought to the attention of the Chief Judge two decisions of the B.C. Supreme Court where negative findings were made about the JP Adjudicator, acting in his capacity as a practicing lawyer, to the effect that there was a failure to provide full and frank disclosure of what the Court considered to be material facts in a court application. The B.C. Supreme Court also found the JP Adjudicator's conduct was reprehensible and deserving of rebuke and awarded that he pay special costs.

Review: The JP Adjudicator's response was sought and considered. The Office of the Chief Judge became aware that the B.C. Supreme Court decision to award special costs was successfully appealed to the B.C. Court of Appeal, and the Court of Appeal concluded that his conduct did not rise to the level of reprehensible conduct that deserved rebuke by a special costs award. In light of the conclusions reached by the Court of Appeal, it could not fairly be stated that the JP Adjudicator engaged in conduct that would negatively impact the confidence of reasonable people in his integrity and impartiality in acting as a judicial officer of the Provincial Court. The complaint was closed on this basis.

APPENDIX 4: TIME TO TRIAL DEFINITIONS, WEIGHTING AND STANDARDS

Longer hearings have become more common in the Provincial Court, leading to a decision to collect data on different categories of estimated trial length. This change also incorporates the use of Summary Proceedings Court (SPC) to hear shorter matters in Assignment Court locations.

The Court now collects information on three different lengths of trial - less than 2 days, 2-4 days, and 5 or more days - in addition to Summary Proceedings Court matters and conferences. The precise information collected varies based on division (e.g. no conference information is collected for criminal matters). Time to Trial data is collected by surveying Judicial Case Managers, who report when events of various types can typically be scheduled.

DIVISION SPECIFIC TIME TO TRIAL DEFINITIONS

Time to an adult criminal trial is defined as the number of months between an Arraignment Hearing/Fix Date³⁷ and the first available court date for typical trials of various lengths.

Time to trial for youth criminal trials is not broken down by trial length, but is otherwise the same. These results do not take into account the time between a first appearance in Court and the Arraignment Hearing/Fix Date.

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

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

WEIGHTED TIME TO TRIAL CALCULATIONS

Time to trial information is collected at the location level. It is then weighted using each location's caseload. This is done at both the regional and the provincial level. For example, if a location has 50% of

³⁷ Sometimes counsel sets a trial date at the conclusion of the arraignment hearing. Alternatively, counsel will set a "Fix Date" appearance and set a trial date at that time.

its Region's caseload and 11% of the provincial caseload in a given division, their results are multiplied by 0.5 during the calculation of the regional weighted time to trial, and by 0.11 when calculating provincial weighted time to trial.

STANDARDS

The Court developed new standards based on the changes to the estimated trial length categories. These standards came into effect on June 30, 2016. Figure 45 summarizes the differences.

FIGURE 45 - OLD AND NEW TIME TO TRIAL MEASURES AND STANDARDS

JURISDICTION	OLD MEASURES AND STANDARDS		NEW MEASURES AND STANDARDS	
	Measure	OCJ Standard	Measure	OCJ Standard
Small Claims	Settlement Conference	2 months (from close of pleadings)	Settlement Conference	2 months
	½ Day Trial	4 months (from conference)	Summary Proceedings Court (SPC)	4 months
	2 Days or more Trial	6 months (from conference)	<2 Day Trial (non-Assignment Court locations)	5 months
			2-4 Day Trial	6 months
			5 Days or More Trial	8 months
Family (CFCSA)	Fix Date (FXD)	1 month	FXD	N/A
	Family Case Conference (FCC)	1 month (from direction by Judge to fix FCC)	FCC	2 months
	½ Day Trial	3 months (from FCC)	SPC	2 months
	2 Days or more Trial	4 months (from FCC)	<2 Day Trial (non-Assignment Court locations)	3 months
			2-4 Day Trial	4 months
			5 Days or More Trial	6 months

Family (FLA)	FXD	1 month	FXD	N/A
	FCC	1 month (from direction by Judge to fix FCC)	FCC	2 months
	½ Day Trial	3 months (from FCC)	SPC	3 months
	2 Days or more Trial	4 months (from FCC)	<2 Day Trial (non-Assignment Court locations)	4 months
			2-4 Day Trial	5 months
			5 Days or More Trial	6 months
Criminal	½ Day Trial	6 months (from Arraignment Hearing)	SPC	4 months
	2 Days or more Trial	8 months (from Arraignment Hearing)	<2 Day Trial (non-Assignment Court locations)	6 months
			2-4 Day Trial	7 months
			5 Days or More Trial	8 months
	Youth Trial	4 months (from Arraignment Hearing)	Youth Trial	4 months





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