



Provincial Court of British Columbia

Annual Report 2019/20

1969

50 years of accessible, fair,
efficient, and innovative justice

2019



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:

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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 operated by the [Access Pro Bono Society of BC](#). You may also wish to contact the [Legal Services Society](#), [University of British Columbia Law Students' Legal Advice Program](#) in the Lower Mainland, the [Thompson Rivers University Community Legal Clinic](#) in Kamloops, or [The Law Centre](#) - a service of the University of Victoria Faculty of Law.

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

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

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Message from the Chief Judge



I am writing this at a time well into the next fiscal year, when the Provincial Court of British Columbia is focused on the challenges posed by the global pandemic. From today's perspective, the 2019/2020 fiscal year appears comparatively uneventful.

And yet, it was a busy and productive year for the Court – a year in which we marked a milestone and made real progress in improving access to justice on several fronts.

On August 1, 2019, the Court celebrated its 50th anniversary. On that date in 1969, legislation created the Provincial Court of BC. To celebrate this milestone, we produced a video describing some of the innovative approaches the Court has taken to its work during its first five decades.

Our efforts to improve access to justice included launching the [Early Resolution Protocol](#) in Victoria in May 2019.

The new approach being evaluated there was developed through collaborative work with government and stakeholders during the last five years. It makes assessment of a family's needs and earlier, more collaborative resolution the first steps in most Provincial Court family law disputes. In 2019, that collaboration also included a consultation process to get public input on new family court rules.

Expansion of the Surrey courthouse enabled the Court to assign more judges to the province's busiest court and to move hearings for traffic and other tickets issued in Surrey and White Rock to that building from the Richmond courthouse, providing better access to people in those areas.

I am proud of the work done by our Indigenous courts, developed in collaboration with local communities, and of our specialized sentencing courts, designed to respond to the needs of mentally disordered and substance addicted offenders. This year we celebrated the seventh anniversary of Chet wa nexwniw' ta S7ekw'i7tel, the North Vancouver Indigenous Court, and announced the opening of our seventh Indigenous Court in Williams Lake in 2020. Discussions are underway with several other communities about innovative ways to meet their justice needs, including developing new Indigenous and community courts.

Our Drug Treatment Court saw increases in both total numbers (71 participants on March 31, 2020) and the number of graduates (17 graduates in this fiscal year). Downtown Community Court had 311 clients in 2019.



Credit: David Clusiau, NORR Architects & Engineers Limited

The Court continued to engage actively in public outreach. This year we published a *Guide to Preparing for BC Small Claims Court* to assist self-represented litigants; offered professional stock photos of courtroom interiors for media to use to provide better visual context when reporting on court-related matters; presented a workshop to journalists in northern BC; facilitated improvement of a form for media use in requesting access to exhibits; and I met with journalists in the Lower Mainland to answer questions and hear about the challenges they face in reporting on court matters.

In October, I hosted Chief Justice Bauman of the BC Court of Appeal and former self-represented litigant Ms. Jennifer Muller at the Provincial Court's third Twitter Town Hall (*right*). The Court's leadership in public engagement was recognized when this event and the Court's bi-weekly eNews articles both won 2019 Canadian Law Blogs Awards in the *Best A2J Resources* and *Best Blogs & Commentary* categories.



Reporting on our judicial complement (the number of judges) and the Court's performance is an important aspect of our transparency and accountability. In 2019/2020 six judges were appointed, and one senior judge re-appointed for a one-year term, giving us 123 full-time judges, 22 senior judges, and one judge sitting part-time as of March 31, 2020. In addition, five part-time judicial justices were appointed to conduct bail hearings at the Justice Centre and preside in court on traffic, bylaw, and ticketable offences, maintaining their complement at 33 (full- and part-time). The Court publishes Judicial Complement Reports monthly.



Our annual reports include the detailed “business intelligence” we use to measure performance against the standards we have adopted for case completion and time to trial. This report includes that information as well as summaries of complaints about judicial officers and their outcomes. This year we streamlined the complaint process by offering complainants an online form to use if they wish. Complaints not only offer the judicial officers involved valuable learning and corrective opportunities, but they can reveal areas in which the entire Court would benefit from education.

Mr. Craig Wilkinson retired on October 31, 2019 after serving as the Court's Executive Director of Operations for more than seven years. His encyclopedic knowledge of administrative details was particularly helpful to me in my first year as Chief Judge, and I will miss his logical approach and unflappability. As we saw him off on the adventurous retirement he planned, we were pleased to welcome Mr. Ryan Mahar as his successor.

The judges, judicial justices, judicial case managers, and staff of the Provincial Court of BC serve the public in more than 80 court locations. I am grateful for their dedication to upholding the rule of law and providing fair, timely access to justice. Over the last fifty years the Court has consistently made innovative changes to meet the changing needs of people in BC. We have proven that, working together, we can meet the complex challenges that face us.

Melissa Gillespie
Chief Judge

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 is one of two trial courts in British Columbia. (The [Supreme Court of British Columbia](#) is the other.)

The Court's [mission, vision, core values](#), and goals express its commitment 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
- reflects the core values of independence, fairness, integrity, and excellence

The Court's Work

The Provincial Court deals with cases in five main categories:

- **Criminal Matters** – Over 95% of criminal cases in BC are heard in Provincial Court. Under the [Criminal Code of Canada](#), Provincial Court judges conduct trials of all criminal matters except adults charged with murder and a few rare offences such as treason and piracy.
- **Family Matters** – Provincial Court judges deal with two main areas of family law. They conduct trials and case conferences in disputes about guardianship of children, parenting arrangements, and child and spousal maintenance under the [Family Law Act](#) and other statutes and in child protection matters under the [Child, Family and Community Service Act](#).
- **Youth Court Matters** – Provincial Court judges deal with young persons aged 12 through 17 who are charged with criminal offences under the [Youth Criminal Justice Act](#).
- **Small Claims Matters** – With some [exceptions](#), the BC Provincial Court deals with civil cases involving from \$5001 to \$35,000. Judges conduct trials and settlement conferences in these matters.
- **Traffic, Ticket & Bylaw Matters** – The Court's judicial justices hear trials of traffic and bylaw offences, as well as other provincial and municipal offences prosecuted under the [Offence Act](#) and the [Local Government Act](#).



Credit: Cliff MacArthur/provincialcourt.bc.ca.

Judicial Independence - The Cornerstone

British Columbia's system of government has three branches: judicial, executive, and legislative. The function of the judicial branch – the courts – is to interpret the law, resolve disputes, and defend the Constitution, including the *Canadian Charter of Rights and Freedoms*. This role requires that judges 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 their legal issues decided by fair and impartial judges. In Canada, our courts enjoy public confidence because an independent judiciary has been firmly established.

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

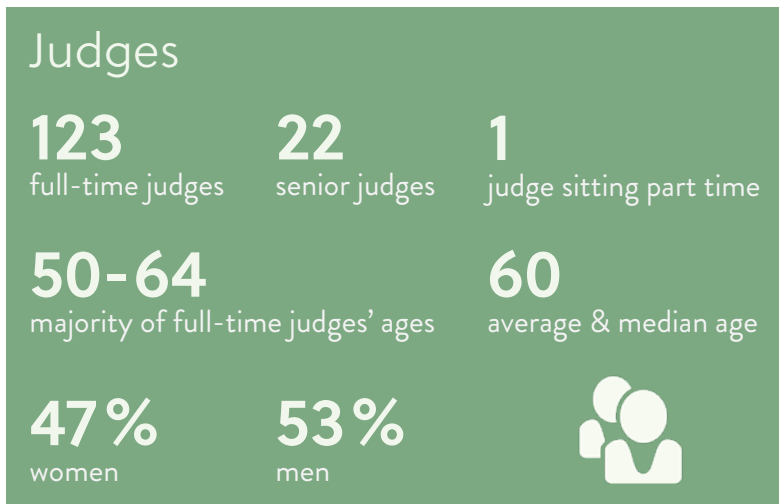
To guarantee the right to an independent and impartial judiciary, the law in Canada has three constitutional protections or “essential conditions” that ensure judicial independence:

- Security of tenure - preventing the arbitrary removal of judges
- Financial security - providing an arm's length mechanism, through an independent remuneration commission, for determining the salaries and benefits of judges
- Administrative independence - enabling a court to manage itself, rather than be managed by others

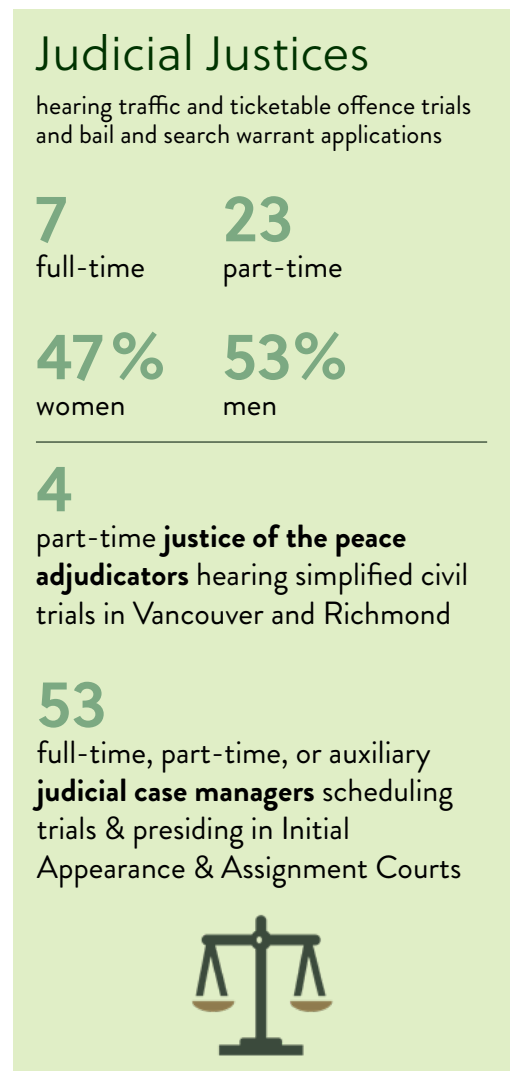
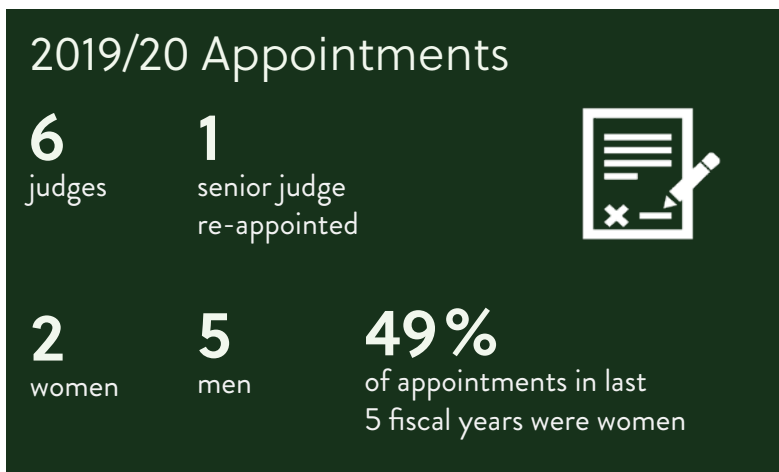
While these protections pertain to judges, they are for the benefit of the public. They allow courts to apply the rule of law that Canadians, through the electoral and legislative processes, have decided should govern them.

For more information on judicial independence, see: [Statement on Judicial Independence from the Courts of British Columbia](#).

By The Numbers

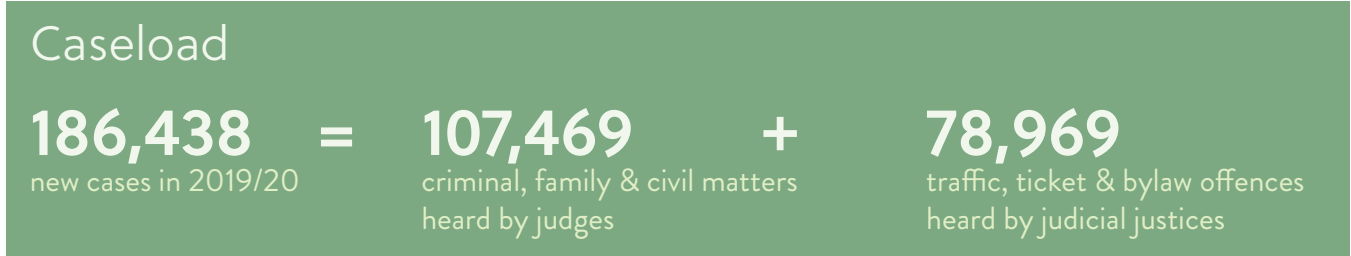


Credit: Cliff MacArthur/provincialcourt.bc.ca.



Credit: Cliff MacArthur/provincialcourt.bc.ca.

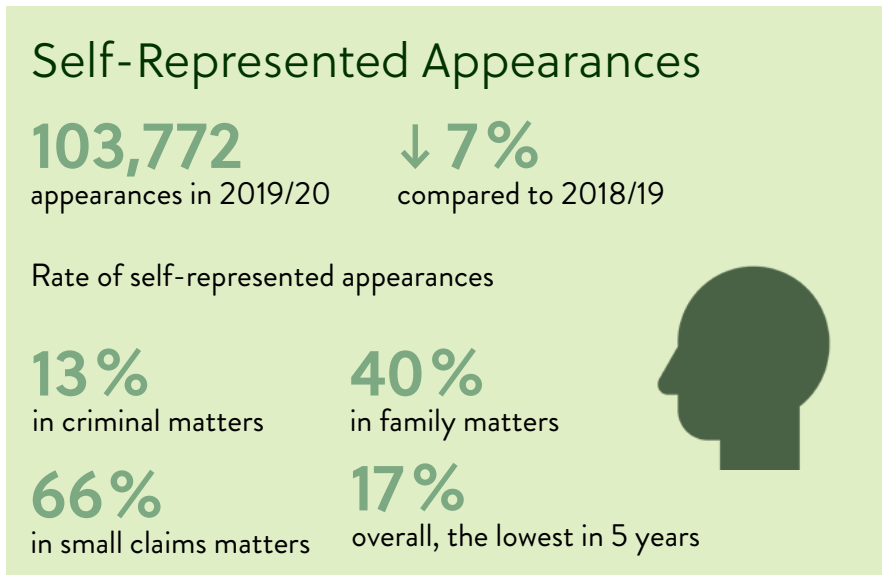
By The Numbers



Credit: Cliff MacArthur/provincialcourt.bc.ca.

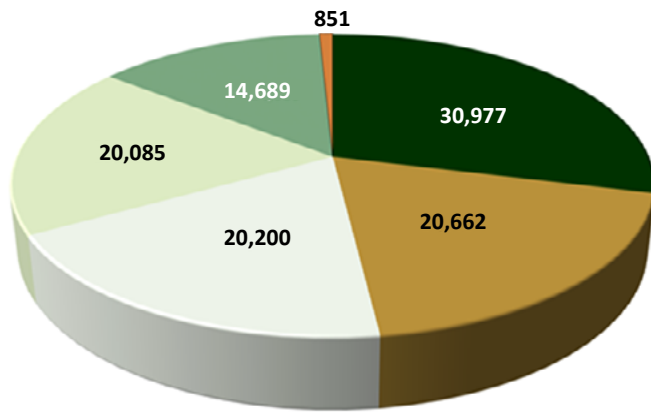


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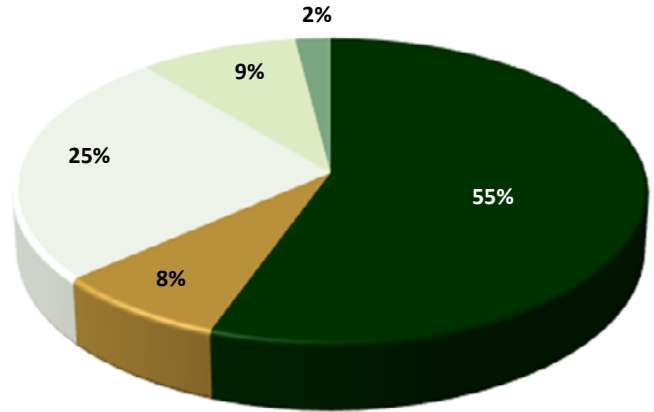
By The Numbers

New Cases By Region



- Fraser region
- Vancouver Island region
- Vancouver region
- Northern region
- OCJ region
- Interior region

New Cases By Division



- Adult criminal
- Child Protection
- Family Law Act
- Small Claims
- Youth criminal

Operational Court Standards

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

95%
adult criminal case completion rate

67%
criminal cases concluded within 180 days

The completion rate is the Court’s ability to conclude cases at the same rate that new cases enter the system.

The Court met its standard for pending cases, as it has for the last five years.

The majority of time to trial results improved. Delays decreased in all adult and youth criminal trials. They decreased or stayed the same in most family trials. Time to small claims settlement conferences and shorter trials increased.



Trials not proceeding due to “lack of court time” (insufficient judicial resources to hear the trial) decreased or remained steady:

3%
criminal matters

4%
family matters

7%
small claims matters lowest rate in 5 years

By The Numbers

Innovation

The Provincial Court of BC's innovative efforts to improve access to justice and address community problems include:

Specialized Courts

The Provincial Court operates Indigenous courts developed collaboratively with Indigenous communities and specialized bail and sentencing courts to address the needs of mentally disordered and substance addicted offenders.

- **6** Indigenous & First Nations Courts
- Aboriginal Family Healing Court Conference
- Vancouver Drug Treatment Court
- Vancouver Downtown Community Court
- Victoria Integrated Court
- Domestic Violence Court projects



A **7th** Indigenous Court opened in Williams Lake in 2020, and discussions about Indigenous Courts are continuing with other communities including Hazelton, Port Hardy and Port Alberni.



Drug Treatment Court

71

participants on March 31, 2021

55

intakes (17% female; 83% male)

17

graduates

↑ 112%

from last fiscal year

Downtown Community Court

566

clients attended programs

1300+

hours of work done for non-profits & street clean-up

14

partner agencies involved

By The Numbers

Technology-Assisted Remote Appearances

The Court uses video technology:

- to connect the Burnaby Justice Centre to remote locations for bail hearings
- for judicial officers to hear preliminary matters from other courthouses
- for remand & bail hearings for persons appearing from a remand or custody centre

In 2019/20:

- **33,054** prisoner transports were saved for people appearing in court on preliminary matters
- **13** court locations received new or improved video equipment



UBC Interns Program

The Court's partnership with the Peter A. Allard School of Law at the University of British Columbia in a Judicial Externship Program benefits both students and judges.

Another **16** Allard Law students spent a term working with Provincial Court judges for academic credit. Law Foundation of BC funding enabled each student to travel with a "Circuit Court".

Communications

The Court continues to engage the public actively through its website, eNews articles and Twitter account (all of which showed substantial increases in traffic in 2019) as well as judges' speaking engagements:

- **2** Canadian Law Blogs Awards (Best Blogs & Commentary, Best A2J Resources)
- **1,142,077** website page views
- **312,221** website users
- **94,507** eNews page views (**56%** increase over 2018)
- **100's** of speaking engagements with school, community & legal groups

provinciacourt.bc.ca | [@BCProvCourt](https://twitter.com/BCProvCourt)



2019/20 At-A-Glance

The year's highlights demonstrate the Court's efforts to improve access to justice on several fronts.

May 2019

Chet wa nexwniw' ta S7ekw'i7tel, the North Vancouver Indigenous Court, celebrated its [7th anniversary](#).

A new approach to family law disputes, the [Early Resolution Protocol](#), launched in Victoria - the first step in changes designed to make assessment of a family's needs and earlier, more collaborative resolution the first steps in most family law disputes in BC Provincial Court.



June 2019

A \$33.5M expansion of the Surrey Courthouse opened, providing new courtrooms with state-of-the-art technology, improved security, and a new Justice Access Centre.

At the Court's request, government revised a court [form](#) to make it easier and quicker for media to [request access to exhibits](#) and restricted documents.

Chief Judge Gillespie was an active member of the Steering Committee and Leadership Group of Access to Justice BC (A2JBC), a network of justice system stakeholders committed to improving access to justice in family and civil matters. In June, the Court joined 50 BC organizations in [endorsing](#) A2JBC's Triple Aim – an aspirational goal.



Credit: Cliff MacArthur/provincialcourt.bc.ca.

July 2019

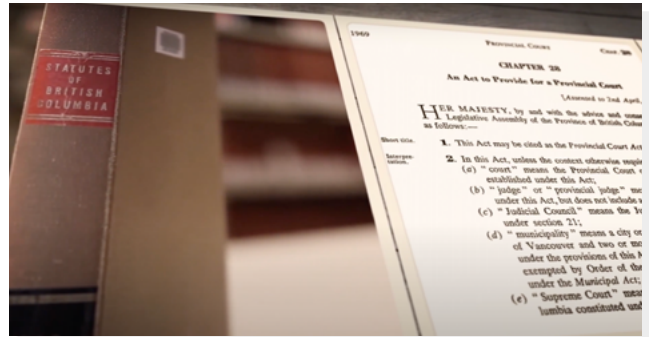


Continuing Legal Education BC's "[Winning Advocacy Skills Workshop](#)" is just one of the public and legal education programs in which judges participate each year. More than 30 Provincial Court judges have volunteered, often repeatedly, in the Workshop's 20 year history.

2019/20 At-A-Glance

August 2019

Created in 1969 by the *Provincial Court Act*, the Court celebrated its 50th anniversary on August 1, 2019.



October 2019

The Court held its 2nd regional [Media Workshop](#), this time for journalists in BC's North.

Chief Judge Gillespie hosted BC Court of Appeal Chief Justice Bauman and former self-represented litigant Jennifer Muller at the Provincial Court's 3rd Twitter Town Hall, "[Chat with the Chiefs](#)".

The Court released a [video](#) to mark its 50th anniversary.



November 2019

Chief Judge Gillespie met with Lower Mainland journalists to discuss the Provincial Court's public and media access policies, answer questions, and learn about challenges they face in reporting on Court matters.

After working with representatives of lawyers and the community for four years to develop a new approach to family disputes, the Court and the Ministry of the Attorney General sought input from the public through a "[Provincial Court Family Rules Consultation](#)".

The Court began conducting hearings on tickets issued in Surrey and White Rock in the expanded Surrey Courthouse, increasing convenience for people who were previously required to travel to Richmond for their hearings.

The Chief Judge announced that the Court would open its 7th Indigenous Court in Williams Lake in 2020.

With the help of user testing by community groups, the Court developed an online complaint form in order to respond more quickly to complaints about judicial officers.



December 2019

2019/20 At-A-Glance

The Court's eNews articles and Twitter Town Hall won [2019 Canadian Law Blogs Awards](#) in the *Best Blogs & Commentary* and *Best A2J Resources* categories.

“You might expect communications from a court to be stuffy and dry, but the British Columbia Provincial Court’s eNews blog takes a surprisingly accessible, conversational tone. From justice hackathons to court rules changes, to new publications and judge news, court happenings and opportunities for feedback, we’d love to see more courts across the country take a page from the BCPC’s blogging book.” - 2019 Clawbies

2019 Award Winner
Clawbies
 Canadian Law Blog Awards

“2019 saw the third edition of the BC Provincial Court’s ‘Twitter Town Hall,’ which prompted 170+ questions by participants and almost 150 responses from the team of BCPC Chief Judge Melissa Gillespie, BCCA Chief Justice Robert Bauman and former SRL Jennifer Muller. Being able to ask questions of a judge in public, online and have them answer is ‘practically unprecedented’—kudos to the BCPC for this remarkable initiative.” - 2019 Clawbies

The Court launched a program to provide judges with electronic access to court files from their laptops.

The Court suspended regular operations on March 25th to protect public health and help contain the spread of COVID-19. Judges continued to hear urgent matters, primarily by telephone or video.



Credit: Cliff MacArthur/provincialcourt.bc.ca.



Provincial Court of British Columbia

1969 – 2019: 50 years of accessible, fair, efficient, and innovative justice

Although the first magistrate in the area that would become British Columbia was appointed in 1850, the modern Provincial Court of BC was born fifty years ago, when the first *Provincial Court Act* was passed in 1969. To celebrate its 50th anniversary, the Court produced a six-minute [video](#) highlighting some of its ground-breaking work during the last five decades.

“The British Columbia legislature created the Provincial Court of BC by passing the *Provincial Court Act* in 1969. For fifty years this Court’s efforts to provide an accessible, fair, efficient, and innovative system of justice have made it a leader in Canada.”



Judge Reginald Harris

“With more than 200,000 new cases filed each year, the Provincial Court has long been BC’s busiest court. Our judges and judicial justices deal with criminal, youth, family, civil and traffic cases, serving the public in more than 80 locations around the province.”

“The Court works hard to deliver timely justice. Starting in 2004 the Court developed operational standards to assess its ability to manage its caseload effectively.

These standards represent objective goals the Court strives to meet with the resources it has available. We report our progress in meeting those goals to the public twice a year, and when standards are not met we examine underlying causes, monitor trends, and take steps to improve.”



Judge Patrick Chen

“In the early 1990s the Court worked with government to develop a simplified, plain-language process for people to resolve civil disputes and pioneered judicial settlement conferences in Canada. The National Association for Court Management in the United States recognized our ground-breaking work by awarding our Court a Justice Achievement Award for court innovation in 1993. Since then, judge-mediated conferences have been incorporated in our Court’s family law cases as well, and they have spread throughout North America.”

“The Provincial Court is a leader in online communication with the public. It offers a colourful, plain language website that gets more than one million page views per year.

In 2015 we were the first Canadian court to post weekly eNews articles in a blog format on our website, and to connect with the public in a two-way Twitter account - @PCProvCourt.

In 2016 and '17 we held live Twitter Town Halls - the first time a Chief Judge in Canada engaged in live conversation with the public on Twitter. This year, the Court is hosting the Chief Justice of BC and a self-represented litigant to chat with the public about access to justice in our third Twitter Town Hall.”

“The annual reports published by the Court and the BC Judicial Council have been called “models of transparency”.

They report to the public on the Court’s work including caseload and delay statistics, demographics of lawyers applying for appointment and of people appointed as judges and judicial justices, summaries of complaint results, and the Court’s budget.”



“The Court uses technology to increase access to justice and improve its efficiency. Our judicial justices use video links to conduct evening and weekend bail hearings from the Justice Centre in Burnaby for people arrested around the province. To save transportation costs and reduce security risks, people held in jail before their trials can make some court appearances by closed circuit television. And we also use video links that allow judges who’ve finished the cases in their courthouse to hear some types of cases from another courthouse.”

“Since the 1980s, our Court and its judges have led the nation in modernizing judicial education. For example, we have pioneered social context education, informing judges about the social issues affecting the people they judge, and distance education, enabling judges to discuss hypothetical problems online with colleagues from across Canada.”

“We’ve already mentioned some of the court’s technology innovations. In the 2000s the Court responded to a range of needs by collaborating with communities to establish specialized sentencing courts that use a problem-solving, therapeutic approach. These courts work closely with integrated community services to help offenders deal with their underlying problems and avoid reoffending.”



“In 1976, the BC Provincial Court was the one of the first two in Canada to adopt a Code of Judicial Ethics with guidelines for judges’ conduct in and out of court. The *Provincial Court Act* establishes a process for complaints about the Court’s judicial officers. After complaints from the public are examined, summaries of complaints and responses are published in our annual reports, posted on the Court’s website. “



“These are just some of the ways in which the Provincial Court of British Columbia has worked to provide an accessible, fair, efficient and innovative system of justice for the people of British Columbia.

The Court is fortunate to have an outstanding group of judges, judicial justices and staff who are dedicated to public service and committed to delivering justice in more than 80 Provincial Court locations around the province. As I travel to courts around BC as Chief Judge, my appreciation for their hard work, commitment and dedication continues to grow, and gives me confidence in the Court’s ability to meet the challenges that will face it in the next fifty years.”



For four decades, Vancouver magistrates and the Provincial Court judges who succeeded them have met annually "to honour those who have served the citizens of Vancouver as magistrates and judges in the criminal court". The fortieth consecutive [Magistrates Dinner](#) was held on May 10, 2019.

Judicial Officers

Chief Judge

As the head of the Provincial Court and its official spokesperson, the Chief Judge is responsible for the Court's judicial administration. The Honourable Melissa Gillespie has been the Court's Chief Judge since October 2018.

Her duties, set out in the [Provincial Court Act](#), include supervising the Court's judicial officers (judges, judicial justices, justices of the peace, and judicial case managers) and exercising powers set out in the [Act](#).

The Chief Judge also supervises the Office of the Chief Judge (OCJ) staff and judicial administrative assistants, administers a budget, facilitates continuing education for all judicial officers, and acts as presiding member of the Judicial Council of British Columbia and chair of the Court's Governance Committee.

Associate Chief Judges

In 2019/20 the Provincial Court's Associate Chief Judges were the Honourable Susan Wishart and the Honourable Paul Dohm.

Associate Chief Judge Wishart's responsibilities included business intelligence and continuity, family and civil law reform, technology, and specialized courts. Associate Chief Judge Dohm's responsibilities included criminal law reform, the judicial justice division and Justice Centre, scheduling, and regional operations.

Regional Administrative Judges

On the recommendation of the Chief Judge, the Lieutenant Governor in Council [designates](#) regional administrative judges for each judicial region in the province. In 2019/20 the Provincial Court's regional administrative judges were:

- the Honourable Carmen Rogers (Vancouver Island)
- the Honourable John Milne (Vancouver)
- the Honourable Robert Hamilton (Fraser)
- the Honourable Marguerite Shaw (Interior)
- the Honourable Michael Brecknell until December 2019; the Honourable Victor Galbraith from January 2020 (Northern)

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



Provincial Court Judges

The Lieutenant Governor in Council [appoints](#) Provincial Court judges on the recommendation of the [Judicial Council of BC](#). The Judicial Council's [annual reports](#) provide details of the appointment process and analysis of application trends. When appointed, each judge is assigned chambers in a particular judicial region, though many judges are required to travel regularly to other court locations.

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. In addition, judges do considerable work outside the courtroom – researching law, judgment writing, public speaking, and committee work. See [Appendix 1](#) for a list of Provincial Court judges as of March 31, 2020.

Judicial Education

The Court has a long-standing commitment to judicial education.

Newly appointed judges shadow colleagues during an initial orientation period of two to three weeks. Informal mentoring by more senior judges is also offered. During their first year, judges attend two five-day programs for new Provincial Court judges from across Canada. One focuses on criminal law topics and the other on judicial skills like communication, judgment writing, mediation, and judicial ethics.



Credit: Cliff MacArthur/provincialcourt.bc.ca.

The Court also prioritizes continuing education for all judges.

Five days of judicial education are provided each year through spring and fall conferences all judges attend. These intensive programs offer education in social context, substantive law, and judicial skills.

In 2019 the judges' spring conference focused on law and practice issues, including evidence, Criminal Code amendments affecting driving offences, and trial management. Judges were inspired by Manitoba lawyer Maria Mitousis' keynote speech, "Facing Adversity and Finding Resilience".

The fall conference, titled "Communication Skills for Judges", presented sessions on plain language and effective communication with self-represented litigants, Indigenous peoples, cognitively challenged persons, and high conflict personalities. Alberta Court of Queens Bench Chief Justice Mary Moreau spoke about courts' communications with the public in the digital age.

Periodically, the Court provides sessions for smaller groups of judicial officers on topics such as judgment writing and mediation. The Court's Criminal Law Committee has developed a [Criminal Law Boot Camp](#) for new judges, and the Family Law Committee is also preparing a Boot Camp.

Other education topics are covered in webinars available to all judges. These sessions are organized and developed in-house and are archived to enable viewing at any time. In addition to these formal education programs, judges spend a considerable amount of time, outside court, on self-directed learning using various online resources. Finally, each judge is entitled to five days of education leave to attend education programs presented outside the Court.

Judicial Justices

[Judicial justices](#) are judicial officers who exercise authority under various provincial and federal laws. They are assigned a variety of duties by the Chief Judge, including conducting bail hearings, considering search warrant applications at the Justice Centre, and presiding in traffic and bylaw courts and small claims payment hearings.

The Court has two administrative judicial justices who assist the Chief Judge. In 2019/2020 Administrative Judicial Justices Gerry Hayes and Kathryn Arlitt (until October 2019) and Lori Plater (from December 2019) were responsible for criminal matters at the Justice Centre and for the traffic division, respectively. [Appendix 1](#) lists judicial justices as of March 31, 2020.

After their appointment, judicial justices are mentored by colleagues. They attend five days of educational conferences each year. In 2019 these conferences dealt with a variety of issues related to bail, changes in cannabis legislation, search and seizure, and evidence. Judicial justices also attend the Criminal Law Boot Camp and webinars, and they are entitled to two days education leave annually.

Justice of the Peace Adjudicators

Justice of the peace adjudicators are senior lawyers appointed on a part-time (per diem) basis under the [Provincial Court Act](#). They hear civil cases having a monetary value from \$5,001 to \$10,000 in the Robson Square and Richmond courthouses. As of March 31, 2020, there were four 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. In the province's seven busiest courthouses, they preside in Assignment Courts as well as in Initial Appearances Courts. As of March 31, 2020, there were 31 full-time and 12 part-time JCMs, as well as 10 auxiliary JCMs. See [Appendix 1](#) for a complete list.



Office of the Chief Judge and Governance

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

Areas of responsibility of the OCJ include:

- judicial and governance administration;
- scheduling administration;
- justice of the peace administration;
- judicial resources and business intelligence;
- oversight of the judicial justice division;
- legal officer advice and research;
- educational conference support and assistance;
- Judicial Council of BC support and assistance;
- court policy development and maintenance;
- judgment posting;
- facilities support;
- finance management;
- human resources; and
- information technology.



Credit: Rebecca Jensen

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 OCJ is also the meeting location of the [Judicial Council of British Columbia](#).

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.

The Governance Committee

The Governance Committee provides strategic direction and decision-making for the Court on policy and management matters, as well as issues concerning the administrative independence of the Court. Chaired by Chief Judge Gillespie, the committee's other members in 2019/20 included:

- Associate Chief Judge Wishart
- Associate Chief Judge Dohm
- the Executive Director of Organizational Services, Mr. Wilkinson until October 2019, then Mr. Mahar
- the five regional administrative judges

Mr. Craig Wilkinson, the Court's Executive Director of Operations for the last seven years, retired on October 31, 2019. Among his many contributions to the Court were reorganization of a variety of overlapping manuals into a series of discrete, consistent policies, and overseeing the restructuring of the Justice Centre. Mr. Ryan Mahar joined the Court as Executive Director on November 1, 2019 after a successful career in the Court Services Branch.

Judicial Administration Committee

With the same membership and chair as the Governance Committee, the Judicial Administration Committee (JAC) provides advice to the Chief Judge on emerging issues in one or more of the province's five judicial regions, policy development, and other administrative matters. The JAC meetings are held bi-weekly by videoconference and in-person four times per year.

In the 2019/20 fiscal year, the JAC:

- continued to monitor court performance standards including the time to trial
- developed a mentoring program for new judges
- supported technological improvements to enable judges to access court files electronically
- continued to work to increase the number of video conferencing units in courthouses across the province to cut down on prisoner transport and improve access to justice in remote locations

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. Membership includes an Associate Chief Judge; the Administrative Judicial Justice of the traffic division; the Administrative Judicial Justice of the Justice Centre; and the Justice of the Peace Administrator.

Executive Operations Committee

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

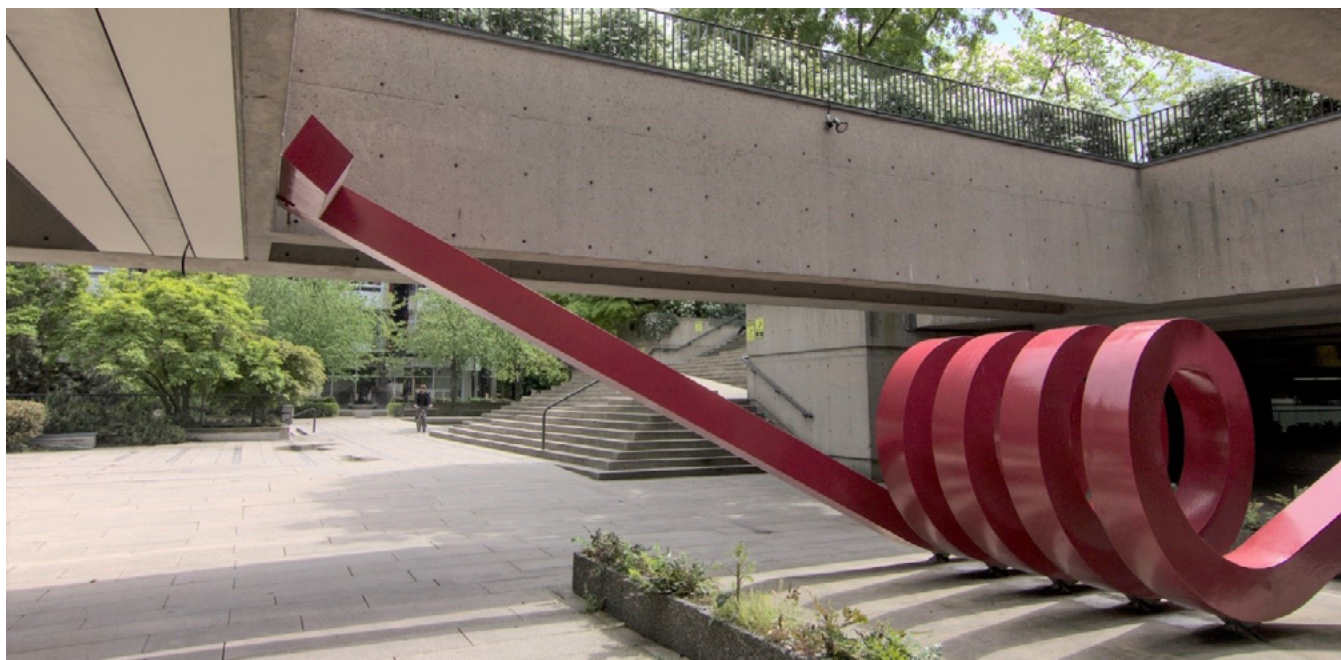
Law Committees

The Chief Judge has established committees of judges to offer advice and assistance on three areas of law.

In 2019 the Criminal Law Committee’s activities included providing information to the Court on Criminal Code amendments (Bill C-75) and rolling out refreshed criminal law [picklists](#) containing standard wording of terms for bail, probation and conditional sentence orders.

The Family Law Committee was involved in preparation of a Family Law Boot Camp for new judges and expanding the [picklists](#) of standard wording for family court orders. Members of the committee also contributed to development of new Provincial Court (Family) Rules.

The Civil Law Committee offers advice and assistance to the Chief Judge and the Court on civil law and procedure. In 2019, it considered the impact on the Court of changes to its jurisdiction in claims for damages for “minor injuries” from motor vehicle accidents and the procedure in cases continued in the Court from the Civil Resolution Tribunal.



Credit: Rebecca Jensen

Judicial Complement

Judicial complement refers to the number of judicial full-time equivalents (JFTEs¹) available to the Provincial Court. This is distinct from the number of judges, as some work part-time. As of March 31, 2020, there were 123 full-time judges (FT), 22 senior judges, and one judge sitting part-time in the Provincial Court.² This equates to a complement of 133.23.

During the 2019/20 fiscal year:

- 6 judges were appointed;
- 1 senior judge was re-appointed under [s. 6\(1\)\(b\) of the Provincial Court Act](#)³
- 3 judges retired; and
- 7 judges elected to participate in the Senior Judges' Program.⁴

Changes to the Provincial Court's complement are reported every month in a [Judicial Complement Report](#) on the Court's website. Figure 2 lists the judges appointed during 2019/20. A list of complement reductions appears in [Appendix 2](#).

Figure 2 - Judges Appointed in 2019/20

Judge	Judicial Region	Date
Judge David Silverman	Fraser	29-May-19
Judge Tina Dion	Fraser	29-May-19
Judge Richard Miller	OCJ	03-Jun-19
Judge Glen G. Lee	Vancouver	12-Jun-19
Judge David Patterson	Northern	12-Aug-19
Judge Jeffrey Campbell	Fraser	23-Mar-20
Judge Satinder Sidhu	Fraser	30-Mar-20

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

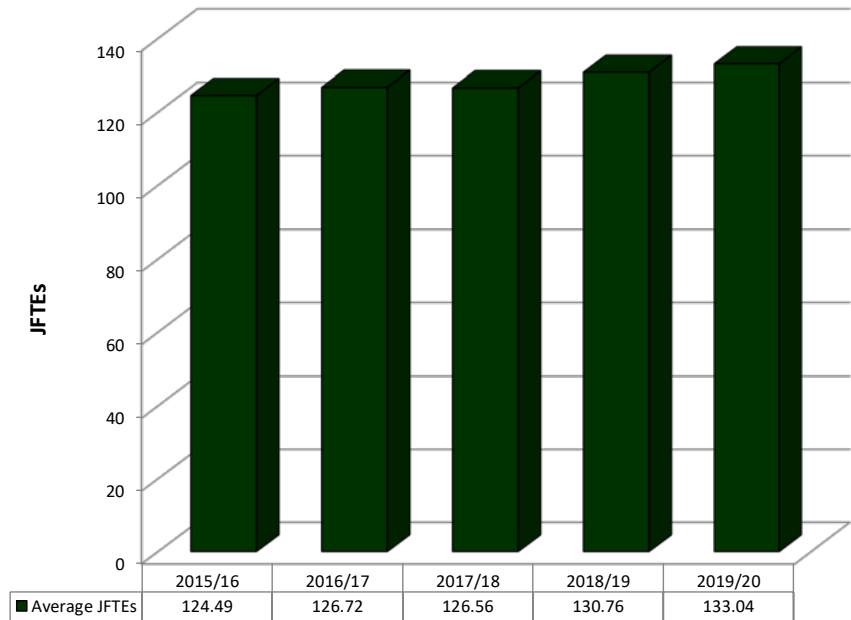
2. Judges are listed in [Appendix 1](#).

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

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

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 2019/20 was 133.04. This is the largest average complement seen during the last five fiscal years and is a result of the additional appointments related to completion of four new courtrooms in Surrey and one in Fort St. John.

Figure 3 - Average Judicial Complement, 2015/16 - 2019/20

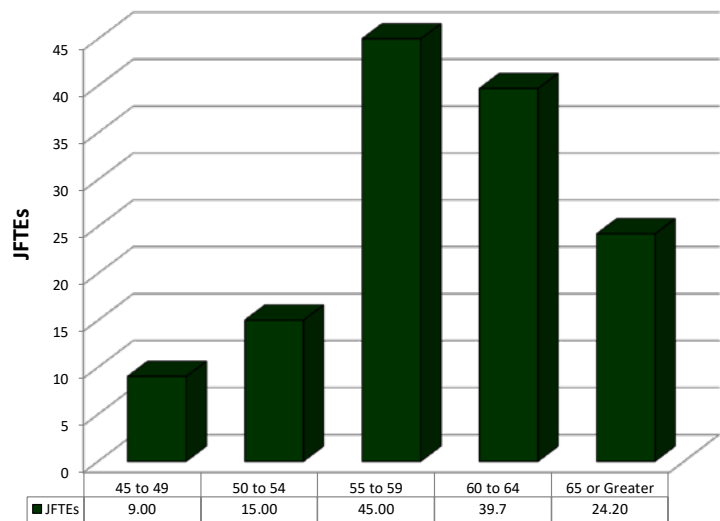


Demographics of Judges

Age

As of March 31, 2020, most Provincial Court judges were between the ages of 50 and 64, with an overall average and median age of 60 years - the same as the previous three years. Figure 4 shows the JFTE⁵ by age category.

Figure 4 - JFTE by Age Category

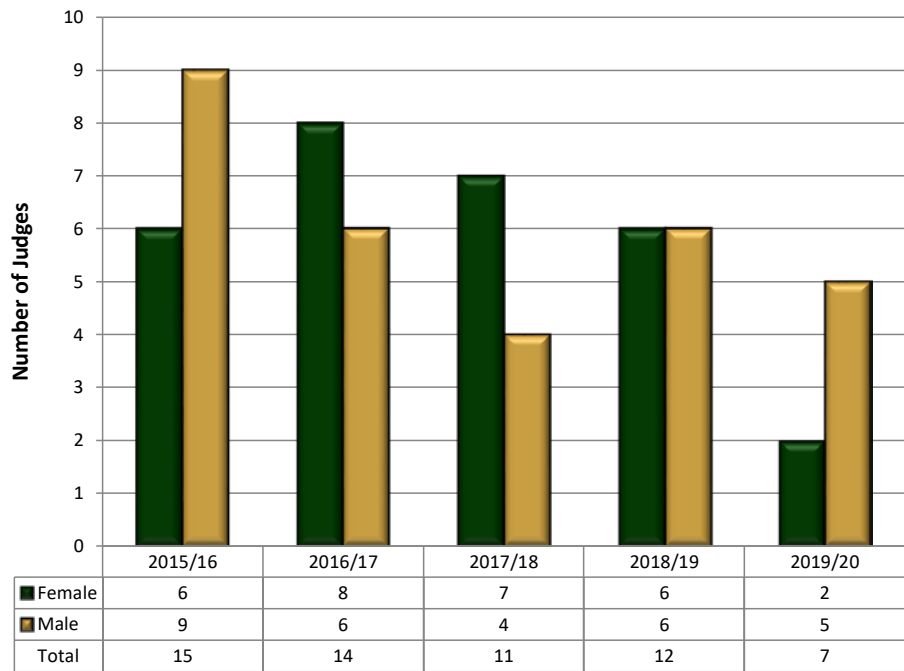


5. JFTE can decline with age as more judges choose to participate in the Senior Judge Program (a senior judge is counted as 0.45 of a JFTE).

Gender

Of the 59 judges appointed during the past five fiscal years, just about half (29) have been women.

Figure 5 - Judges by Gender and Year of Appointment



The number of active⁶ male judges is on par with the number of active female judges in the Provincial Court. As of March 31, 2020, there was one active male judge for every active female judge.

Figure 6 - Percentage of Judges by Gender and Status⁷

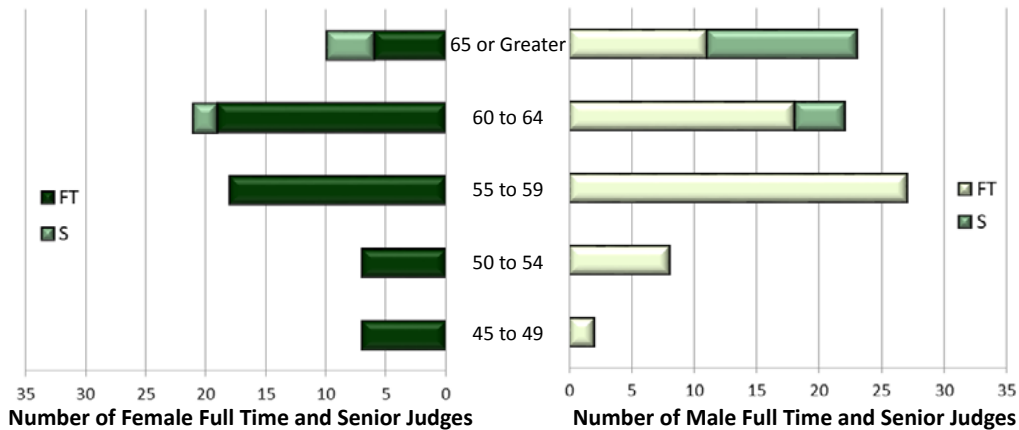
Gender	Full-Time		Senior		JFTE	
	#	%	#	%	#	%
Male	66	53.7%	16	72.7%	73.2	55.1%
Female	57	46.3%	6	27.3%	59.7	44.9%

6. The term “active” excludes judges on long term disability.

7. The number of judges is as at March 31, 2020. The (female) part-time judge is not included in this table.

A greater proportion of active male judges currently sit as seniors (20% vs. 9% of active female judges). The average female Provincial Court judge is 59.5 years of age, whereas the average male judge is 60.6.⁸ Figure 7 shows the distribution of judges by age, gender, and status.

Figure 7 - Provincial Court Judges by Age, Gender and Status

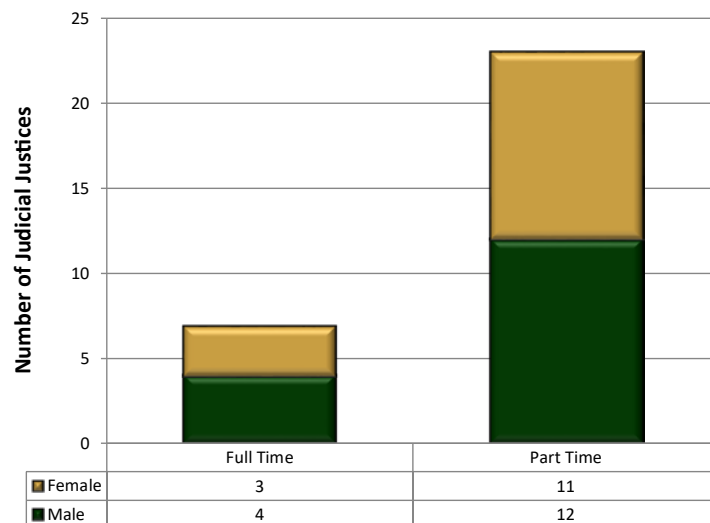


The cultural and ethnic backgrounds volunteered by applicants for judicial appointment are outlined in the [annual reports](#) of the Judicial Council of BC.

Demographics of Judicial Justices

Figure 8 outlines the complement of judicial justices as of March 31, 2020, including seven full-time and 23 who work in a part-time (ad hoc or per diem) capacity. Of the total complement of 30⁹, there are 16 male and 14 female judicial justices.

Figure 8 - Gender Distribution of Judicial Justices, 2019/20



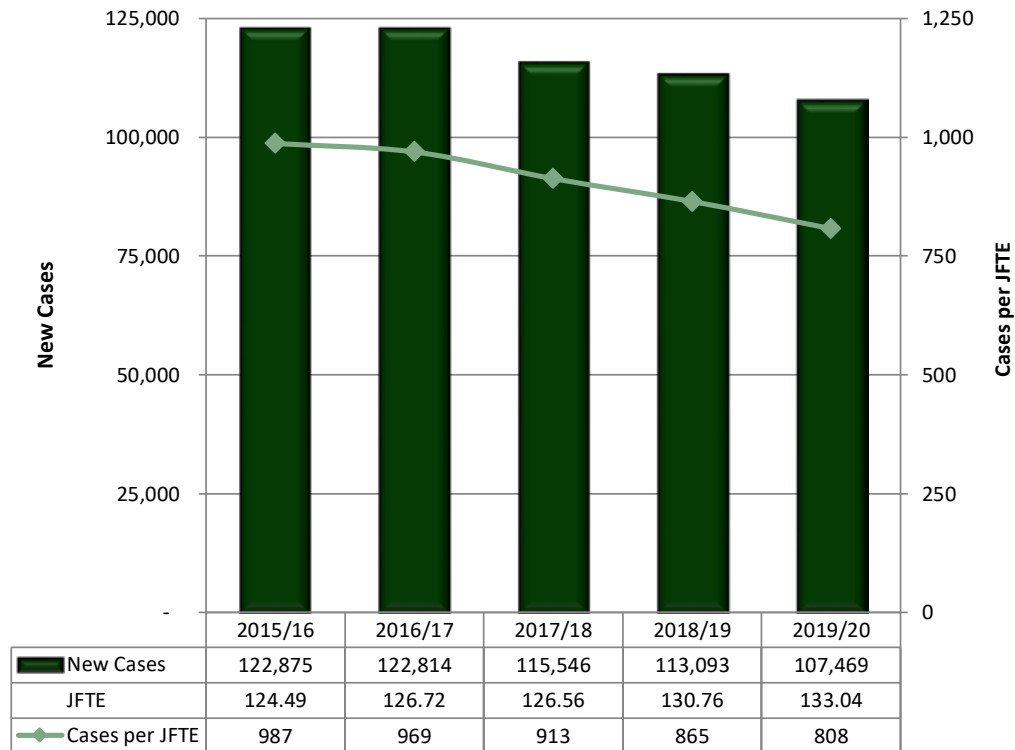
8. Age is measured as at March 31, 2020.

9. This does not include 2 judicial justices on LTD.

Judges' Caseloads

Figure 9 shows the five year trend in new cases, as well as new cases per JFTE. Over the last three years the new cases per JFTE number has trended downward and this year's figure of 808 is well under the five year average of 908.

Figure 9 - New Cases and New Cases per JFTE, 2015/16 - 2019/20

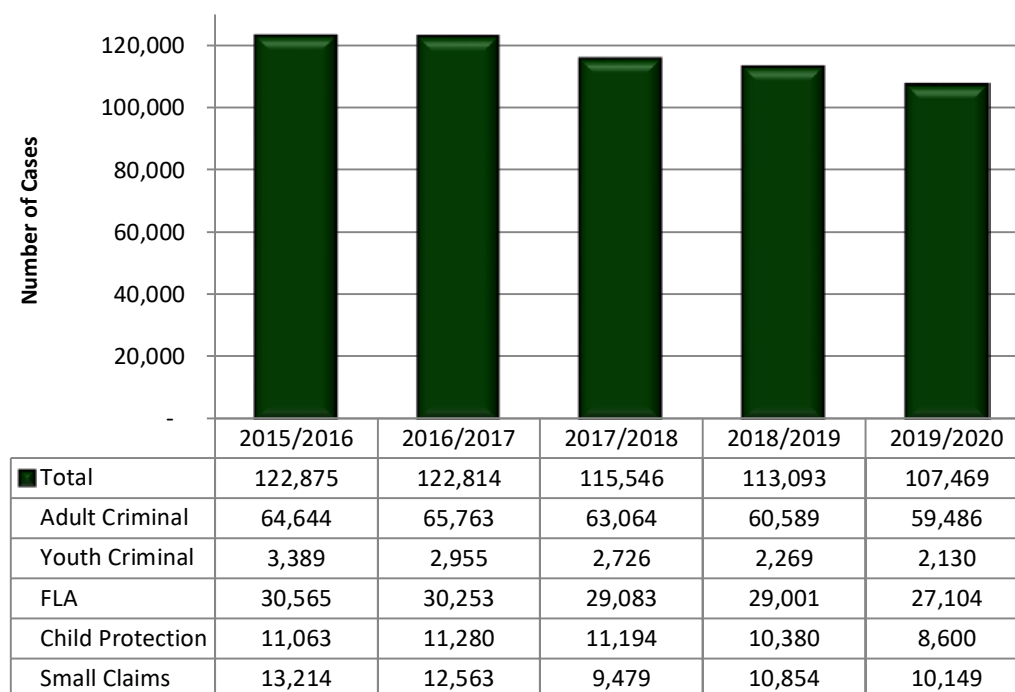


The Court's Caseload

New Cases by Division

Excluding traffic and bylaw matters usually dealt with by judicial justices, there were 107,469 cases initiated in the Provincial Court of British Columbia in 2019/20.¹⁰ This represents a decrease of 5% from 2018/19. Figure 10 below shows Provincial Court Caseloads over the last five years.¹¹

Figure 10 - New Cases by Division, 2015/16 - 2019/20



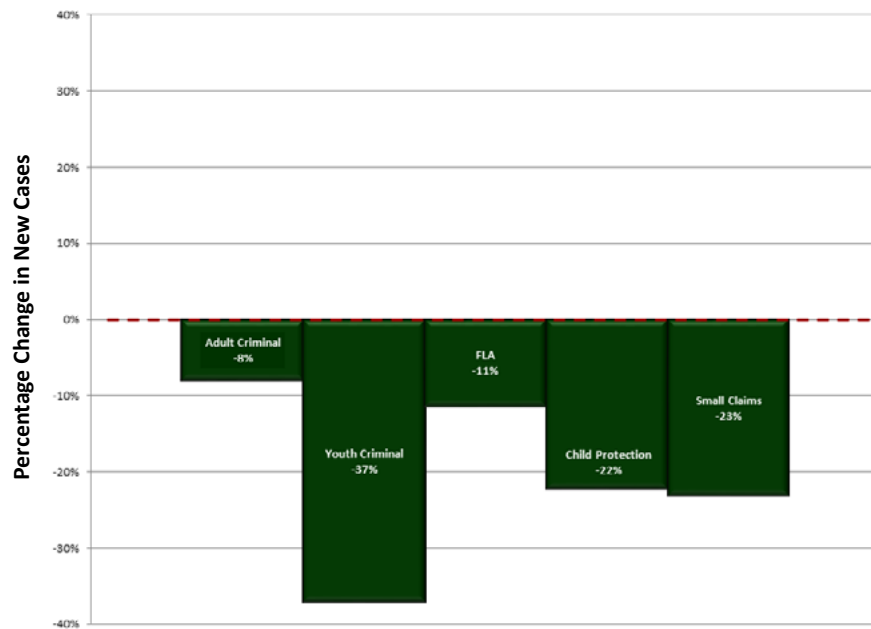
10. New case counts include all cases typically overseen by a judge. Therefore, family subsequent applications are included, and traffic and bylaw cases are excluded.

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

Looking at total caseload volumes obscures trends within divisions, as shown in Figure 11 below.

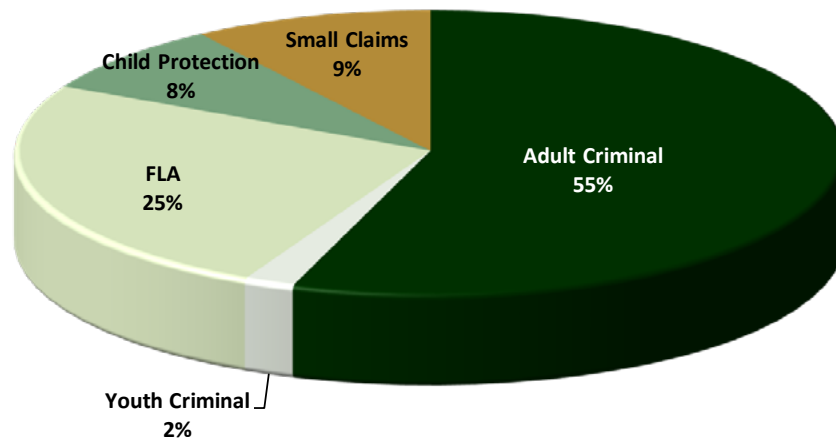
Caseload volumes in all divisions declined between 2015/16 and 2019/20. All divisions but small claims are at the lowest point over the past 5 years.

Figure 11 - Percentage Change in New Cases by Division between 2015/16 and 2019/20



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 a third, and small claims cases about a tenth. Figure 12 provides a detailed breakdown.

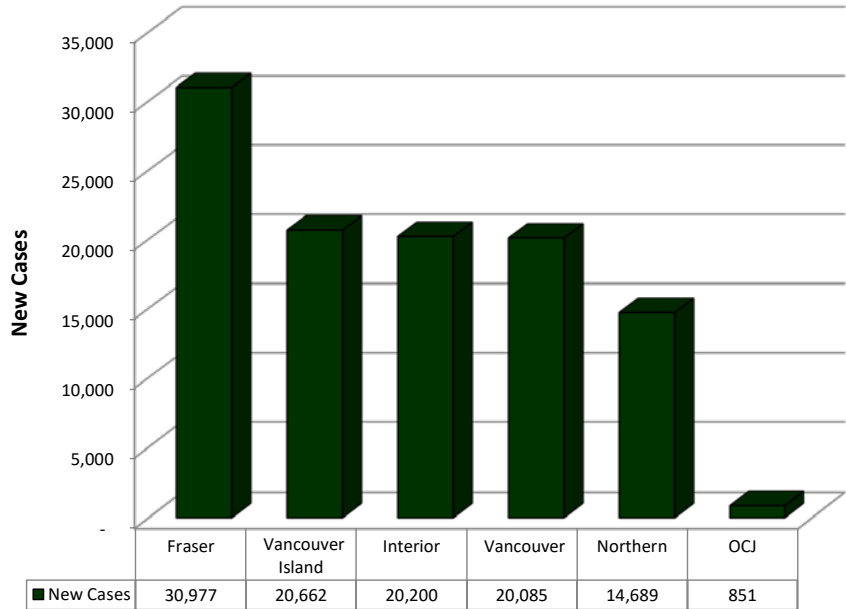
Figure 12 - Percentage Breakdown of New Cases by Division 2019/20



New Cases by Region

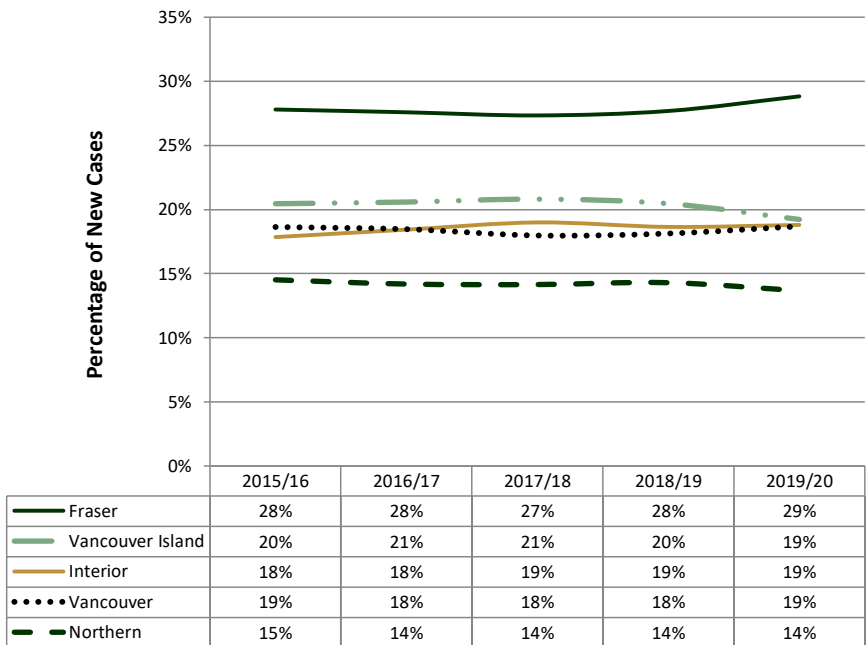
The Fraser region continued to have the highest new caseload in 2019/20, while the small remote locations administered directly by the Office of the Chief Judge (OCJ) had the lowest.

Figure 13 - 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 14 below.¹²

Figure 14 - Distribution of New Cases by Region, 2015/16 - 2019/20

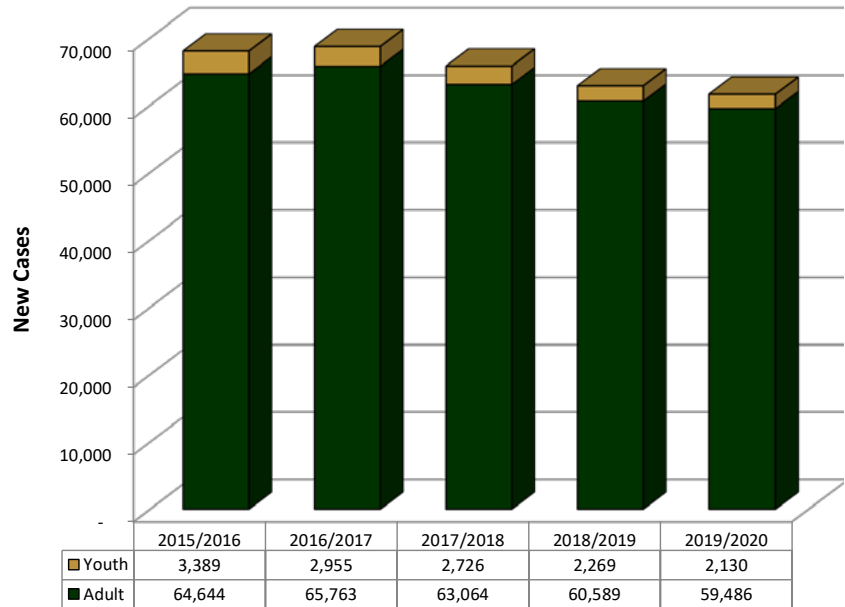


12. The OCJ region has less than 1% of the total provincial caseload in all years and is not included in this figure.

New Cases by Division

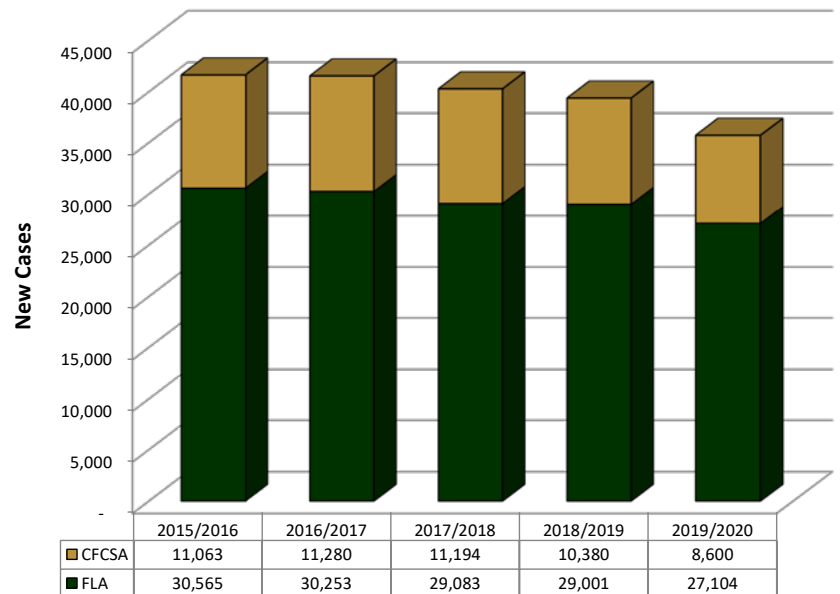
The number of adult criminal cases is at its lowest level in the past five years and is fairly consistent with levels seen last year. Youth criminal cases have decreased every year of the past five. As a result, the 2019/20 youth criminal caseload is 37% lower than 2015/16.

Figure 15 - New Criminal Cases, 2015/16 - 2019/20



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 \(CFCSA\)](#). In 2019/20 the caseload for both CFCSA and FLA decreased, reaching a five year low. Compared to 2015/16, the number of CFCSA cases has decreased by 22% and the number of FLA cases has decreased by 11%.

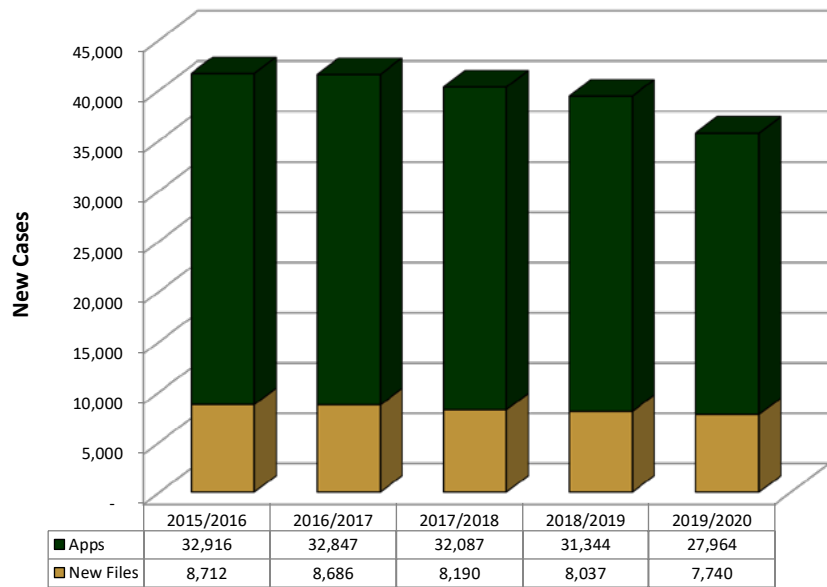
Figure 16 - New Family Cases, 2015/16 - 2019/20¹³



13. Includes subsequent applications.

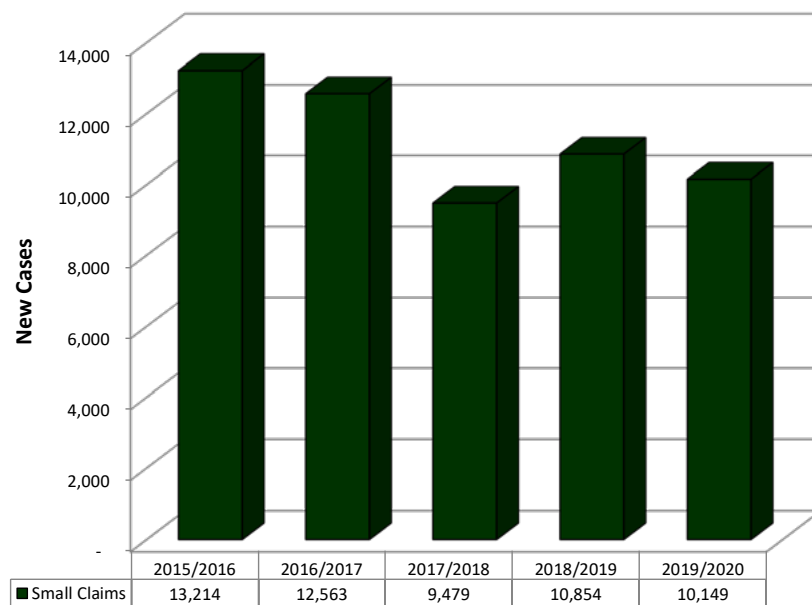
The bulk of new cases (78%) in the family division comes from subsequent applications against existing files.¹⁴ The percentage of new cases from subsequent applications has been slightly higher in *CFCSA* cases than *FLA* (88% vs. 75%) over the past five years.

Figure 17 - Number of Family Cases by Source, 2015/16 - 2019/20



New small claims cases have decreased 23% since 2015/16. The decrease in new cases in 2017/18 is a result of the Civil Resolution Tribunal having jurisdiction over small claims cases up to \$5000.00 effective June 1, 2017. The transfer of “minor injury” claims arising from motor vehicle incidents to the CRT on April 1, 2019 may have contributed to the decrease in new cases this year.

Figure 18 - New Small Claims Cases, 2015/16 - 2019/20

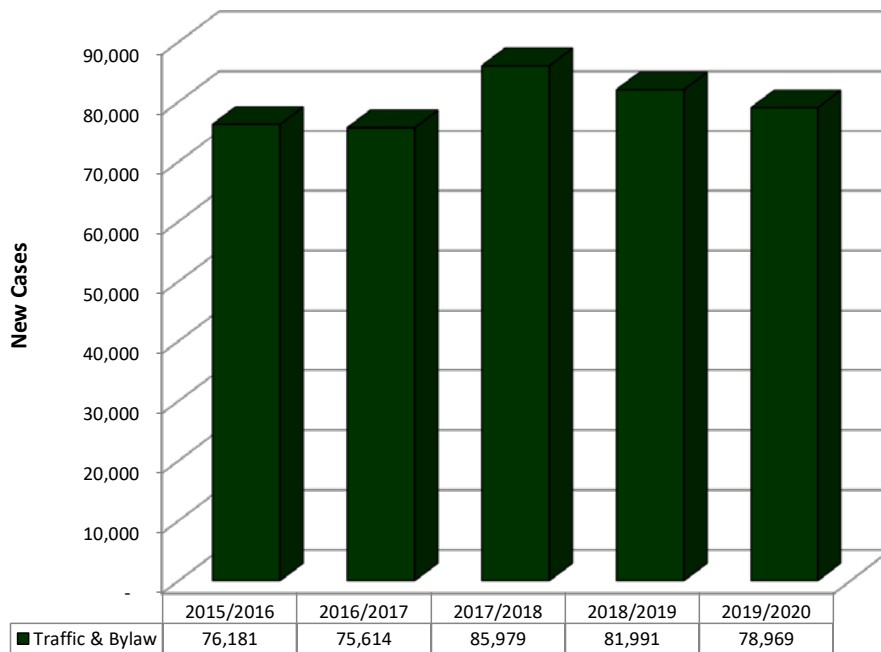


14. Subsequent applications are additional motions or applications filed in a case after the initial application is filed. Applications to change or enforce an order are a common example of FLA subsequent applications. Under the CFCSA, subsequent applications are required to determine custody of a child 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 2019/20 there were 78,969 new traffic and bylaw cases, down 4% from last year.

Figure 19 - New Traffic and Bylaw Cases, 2015/16 - 2019/20



Credit: Cliff MacArthur/provincialcourt.bc.ca.

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 sophisticated video conferencing methods, judicial justices at the Centre preside over bail hearings seven days a week from 8:00 a.m. to 11:00 p.m. to bring people who have been arrested and detained before a judicial justice as soon as possible.

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

Approximately 19 judicial justices work through the Justice Centre, either on site or remotely. In 2019/2020 the Centre issued more than 16,000 search warrants and production orders and conducted over 22,000 bail hearings.

Working with the Ministry of the Attorney General and the Legal Services Society, the Court has been able to ensure that after-hours bail hearings conducted by video (or telephone where video is still not available) are prosecuted by Crown Counsel instead of police officers, and accused persons have access to Legal Aid Duty Counsel to represent them in these hearings.

Figure 20 - Search Warrants issued through the Justice Centre, 2019/20

Month	All	All / # of days	487 CCC	Production Order	Sealing Order	Unsealing Order	Other
Apr-19	1273	42	327	232	268	0	446
May-19	1461	47	355	281	268	0	557
Jun-19	1230	41	305	269	236	1	419
Jul-19	1504	49	415	338	278	0	473
Aug-19	1269	41	377	231	254	0	407
Sep-19	1352	45	368	281	273	0	430
Oct-19	1523	49	415	308	291	2	507
Nov-19	1326	44	305	316	219	1	485
Dec-19	1194	39	322	255	252	2	363
Jan-20	1609	52	373	331	310	0	595
Feb-20	1371	47	313	264	280	1	513
Mar-20	1185	38	350	196	263	0	376
Max	1609	52	415	338	310	2	595
Average	1358	45	352	275	266	1	464
YTD	16297	534	4225	3302	3192	7	5571

Figure 21 - Bail Hearings Conducted Through the Justice Centre, 2019/2020

Month	Judicial Interim Release (Bail)	Remand	Release	Video Bail
Apr-19	1821	1032	789	1543
May-19	1817	1065	752	1466
Jun-19	2105	1214	891	1777
Jul-19	1941	1066	875	1600
Aug-19	2069	1181	888	1732
Sep-19	1985	1131	854	1683
Oct-19	1837	1016	821	1530
Nov-19	2030	1177	853	1682
Dec-19	1888	1097	791	1607
Jan-20	1791	1040	751	1379
Feb-20	1802	1051	751	1632
Mar-20	1249	720	529	1025
Max	2105	1214	891	1777
Average	1861	1066	795	1555
YTD	22335	12790	9545	18656

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

15. Judicial interim release (bail) figures include all case appearances for bail occurring at the Justice Centre regardless of whether the appearances are police- or Crown-led bail appearances.

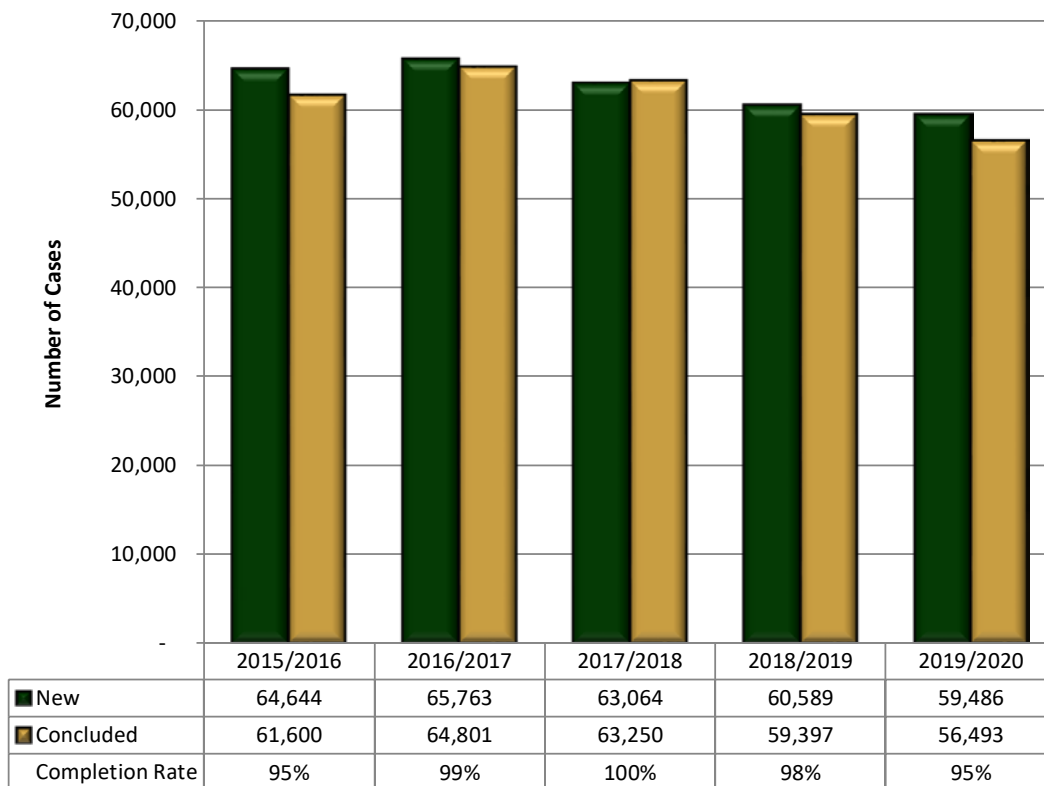
Operational Court Standards

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

Adult Criminal Case Completion Rates

The Court’s standard for the adult criminal case completion rate is 100% calculated over a fiscal year.¹⁶ This measure provides an indication of the Court’s ability to conclude cases at the same rate that new cases enter the system. In 2019/20 both new and concluded cases decreased and the completion rate moved down slightly to 95%.

Figure 22 - Adult Criminal Case Completion Rates, 2015/16 - 2019/20



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

On-Time Case Processing

The purpose of this measure is to assess the timeliness with which Provincial Court cases are concluded. This is accomplished by examining the percentage of “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. 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 23 below shows the percentage of cases completed within 180, 365, and 540 days, respectively.

Figure 23 - Percentage of Judge Cases Concluded within Three Time frames, 2015/16 - 2019/20

Percent of Adult Criminal Cases Concluded within...			
Year	180 Days	365 Days	540 Days
FY 15/16	73%	91%	96%
FY 16/17	71%	90%	96%
FY 17/18	70%	89%	96%
FY 18/19	70%	90%	96%
FY 19/20	67%	89%	96%
Five Year Average	70%	90%	96%

Pending Cases

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

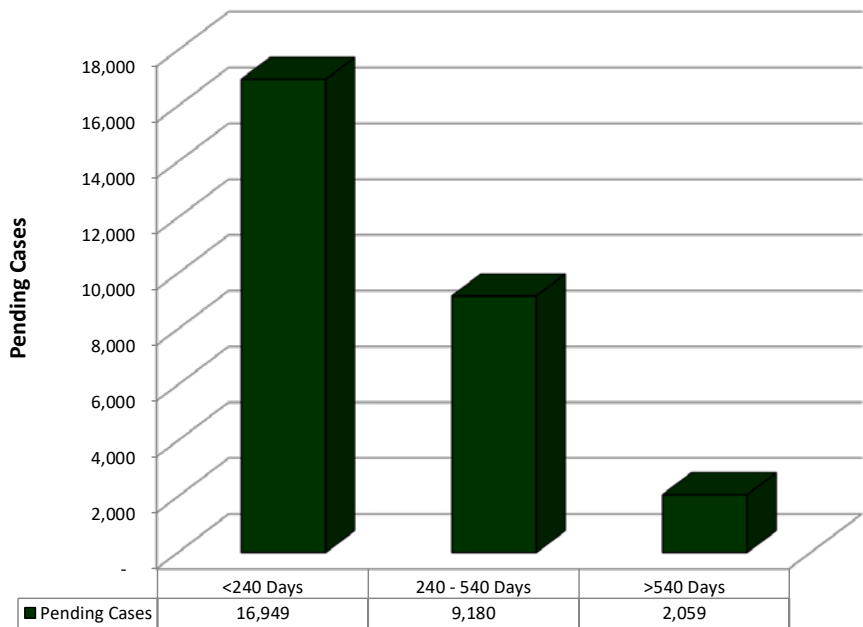
Case age calculations for pending cases count from the date an Information is sworn to the next scheduled appearance occurring after the “as at” date (in this case, March 31, 2020). These calculations exclude inactive time (e.g. bench warrants). The number and age of pending cases provide a general indication of the Court’s ability to process criminal cases in a timely manner.

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

As of March 31, 2020 there were 28,188 adult criminal pending cases, of which 60% had a pending date less than 240 days from the sworn date (that is, there are less than eight months between the date the information was sworn and the next appearance date).¹⁸ This means that the court met its standard this year - as it has done for the past five years. The remaining 11,239 (40%) of cases had pending dates greater than 240 days from the sworn date.

Figure 24 shows the number of adult criminal pending cases in the Provincial Court system on March 31, 2020, broken down by age category.

Figure 24 - Adult Criminal Pending Cases by Age Category¹⁹



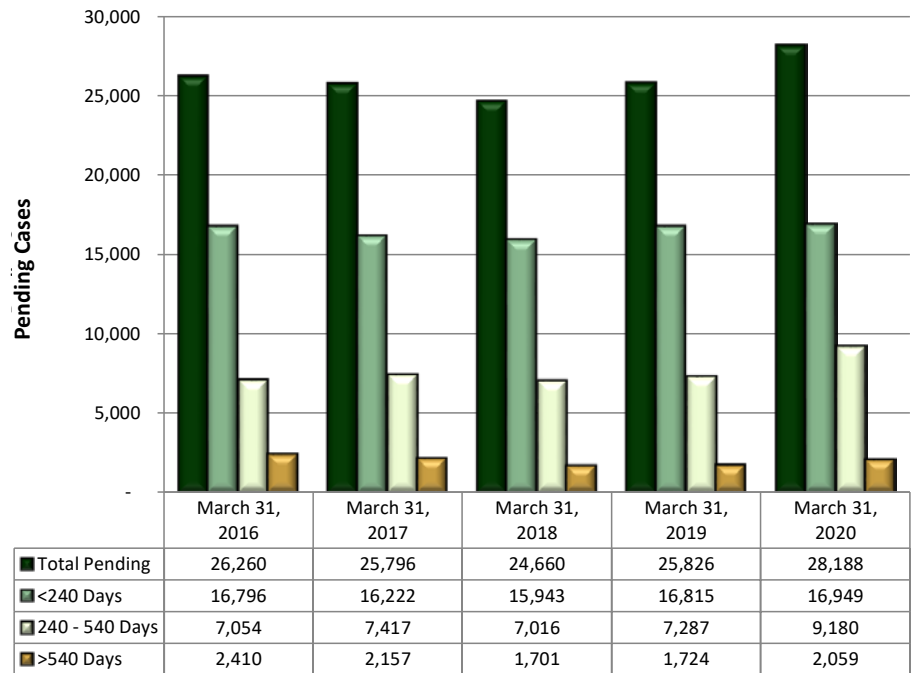
17. Pending case information is currently only available in the criminal division, as there is no agreed upon definition of case conclusion in the family and small claims divisions.

18. The current report is a snapshot as at March 31, 2020. These results are preliminary. Pending cases are likely to adjust upwards due to delays in compiling the data.

19. Data source: Criminal BI Database.

The number of pending cases in all categories (fewer than 240, between 240-540, and over 540 days in age) increased from last year (total pending cases increased 9% overall). The number and proportion of pending cases in the oldest age category (>540 days) has slightly increased for the first time in the past five years. Figure 25 shows these trends.

Figure 25 - Adult Criminal Pending Cases Over Time



Credit: Cliff MacArthur/provincialcourt.bc.ca.

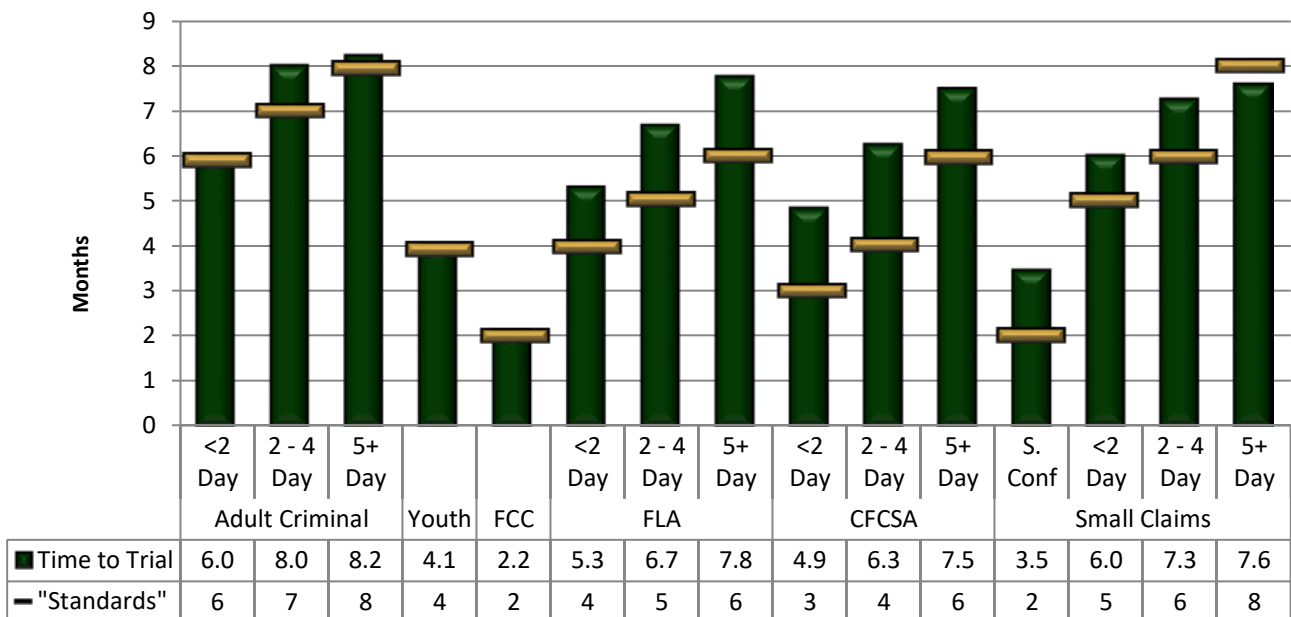
Province-wide Time to Trial

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

In 2005, the Court endorsed a number of standards to measure whether dates were being offered for trial in a timely manner. These standards reflect the Court’s goals as to when the Court ought to be able to offer time for the specified trial events. In June 2016, those standards, and the time estimates they govern were revised²¹ to better capture longer trials and Summary Proceedings Court²² matters.

Figure 26 shows the average time to trial for this fiscal year. The Court was over standard in most areas.

Figure 26 - Average Provincial Time to Trial, 2019/20²³



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

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

22. In seven of the Court’s busiest locations, Summary Proceedings Courts conduct trials, hearings, or dispositions set for less than half a day.

23. March 2020 results were not available due to the COVID-19 pandemic, so we carried over from December 2019.

The majority of time to trial results improved over the previous year. Across all adult criminal time to trial estimates including youth matters, delays decreased. With the exception of the shortest *CFCSA* trials and family case conferences, time estimates decreased or stayed the same for all family (*FLA* and *CFCSA*) trials.

Similarly to the other divisions, the majority of small claims time to trial estimates experienced a decrease over last year with the exception of small claims trials less than two days. Time to a settlement conference also increased.

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 March 31, 2019 and September 30, 2019 can be found [here](#).

Efforts to Reduce Delays

The Court closely monitors time to trial and pending case data. In almost all areas of the province the Court is able to offer court time for criminal trials well below the 18 month ceiling established by the Supreme Court of Canada in the case of *R. v. Jordan* 2016 SCC 27 ("Jordan"). Those locations with the longest delays are identified in the Time to Trial reports and steps are taken to reallocate judicial resources where possible.

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. The Court reviewed its case management processes after the release of the *Jordan* decision and work continues to ensure that court time is used effectively and judges are appropriately managing longer and more complex cases. In 2019, trial management was a topic discussed at a judicial education conference.

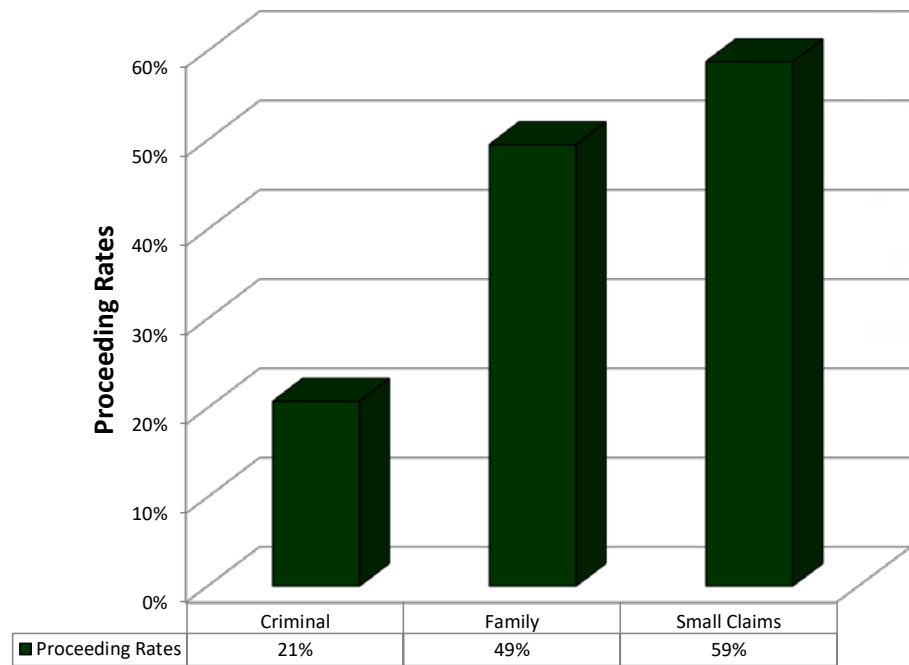
Trial Events

The Court tracks outcomes for all cases that were still on the Court list on the date set for trial. In 2019/20 there were 16,966 such trial events²⁴, which is a slight decrease (2%) from the previous year. In addition, results in 2019/20 remain close to those of last year with all categories within 2% of 2018/19’s results.

There are several possible outcomes on the day of trial, one of which is that the trial proceeds.²⁵ 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.²⁶

Proceeding rates capture the percentage of trials that proceeded on the first day of trial.²⁷ There are persistent differences in proceeding rates between divisions. Figure 27 shows the rate for each division in 2019/20.

Figure 27 - Proceeding Rates by Division



24. 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.

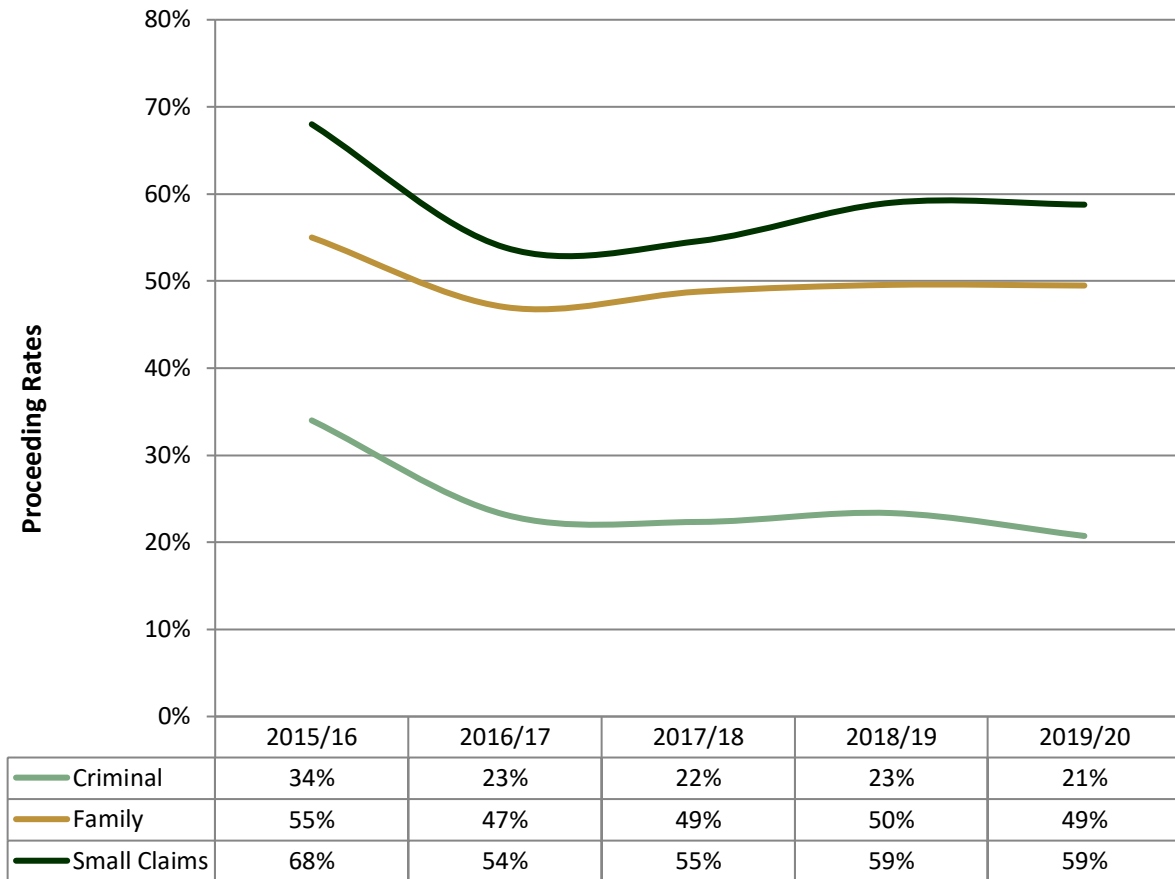
25. Defined as proceeding for trial as scheduled, with evidence or a witness being called - the outcome of the trial appearance is irrelevant from the perspective of whether or not the trial proceeded.

26. 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.

27. 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 28, proceeding rates in all divisions but small claims experienced a slight year over year decrease, but remain close to the 2019/20 results.²⁸

Figure 28 - Proceeding Rates by Division, 2016/17 - 2019/20

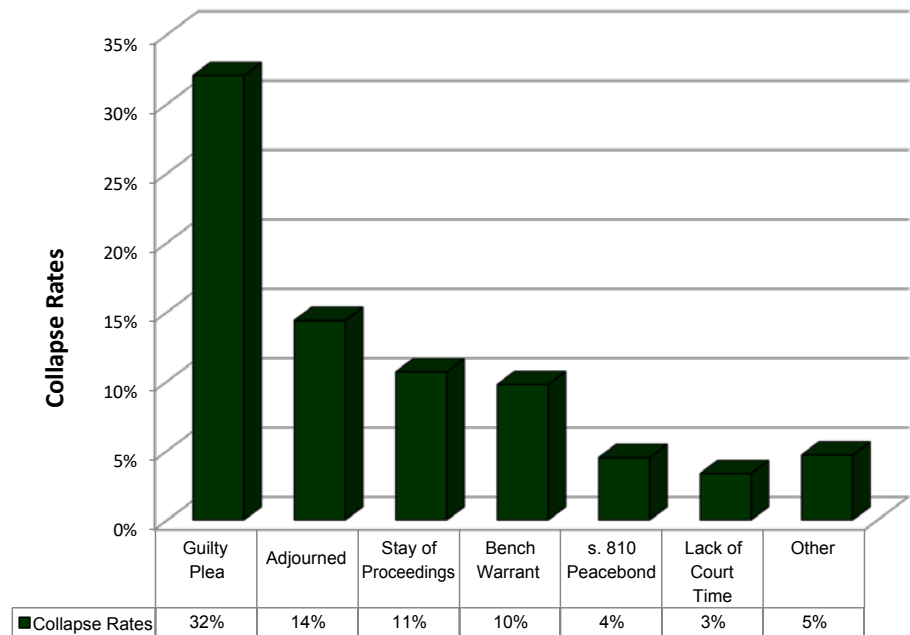


There will always be cases that do not proceed on the first day of trial - a low proceeding rate is not, in itself, a cause for concern. What is important is to note the reason why cases are not proceeding and whether the case has concluded without ever proceeding to trial. Proceeding rates are utilized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

28. 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.

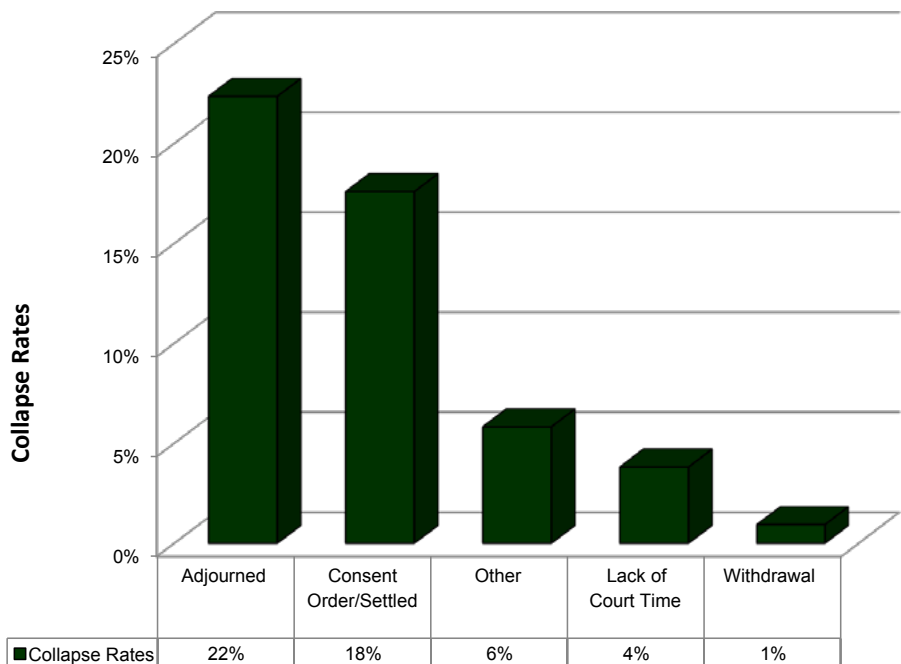
In the criminal division, more than half the cases remaining on the list concluded on the first day of trial (i.e. ending in a guilty plea, stay of proceedings, or s. 810 peace bond). Figure 29 shows the distribution of collapse reasons for the criminal division in 2019/20.

Figure 29 - Collapse Rates of Criminal Trials by Collapse Reason



The proceeding rate in the family division remains at historically low levels - 49%, slightly lower than last year's rate (50%), and lower than the proceeding rates for 2011/12 - 2015/16 (54 - 55%). Roughly a fifth of family cases remaining on the list concluded on the first day of trial. Figure 30 shows the distribution of collapse reasons in the family division.

Figure 30 - Collapse Rates of Family Trials by Collapse Reason



The majority of small claims trials (59%) remaining on the list proceeded on the first day of trial. Figure 31 below shows the distribution of collapse reasons for small claims trials.

Figure 31 - Collapse Rates of Small Claims Trials by Collapse Reason

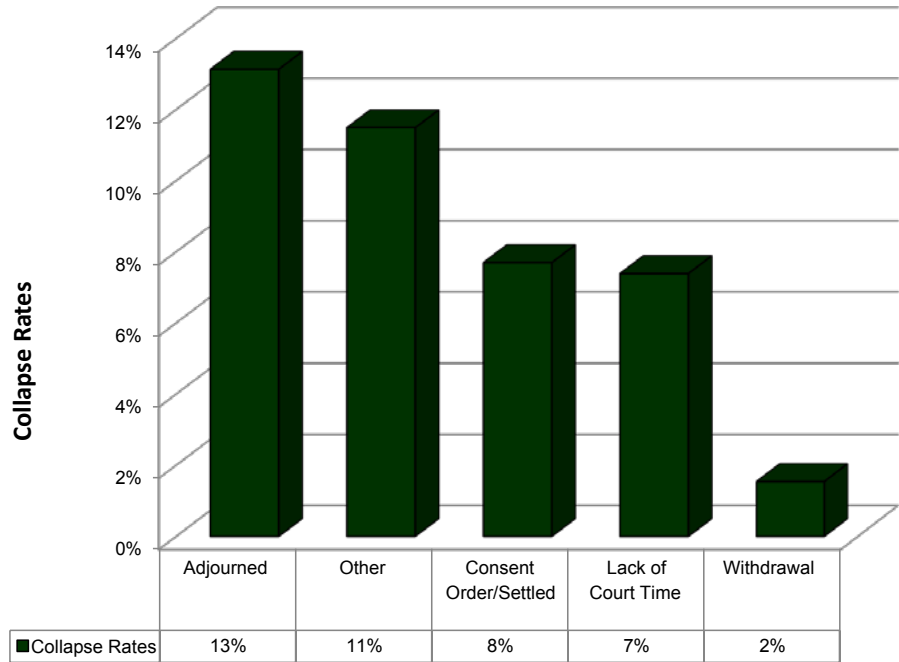
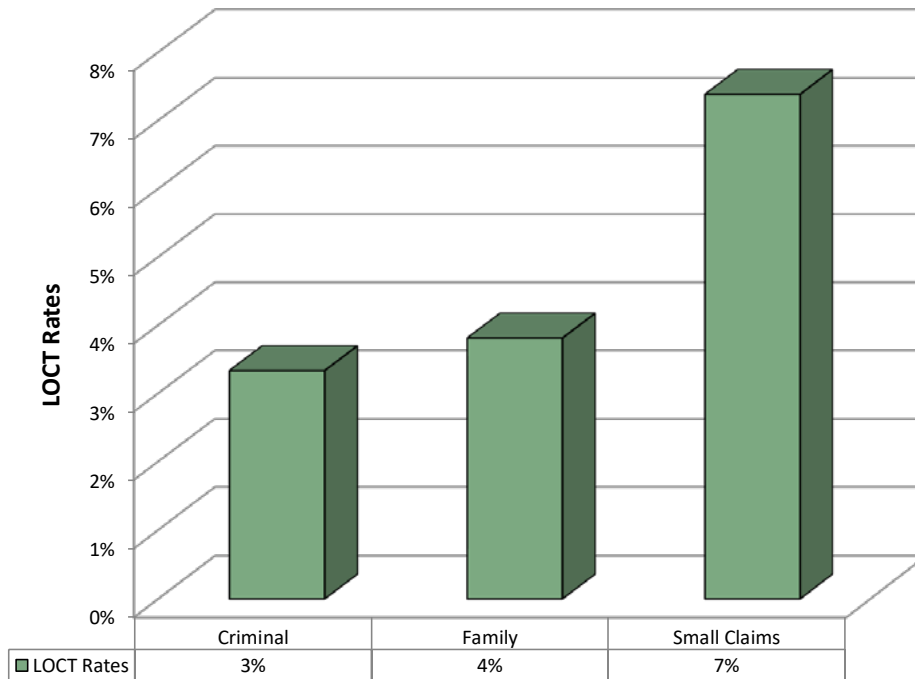


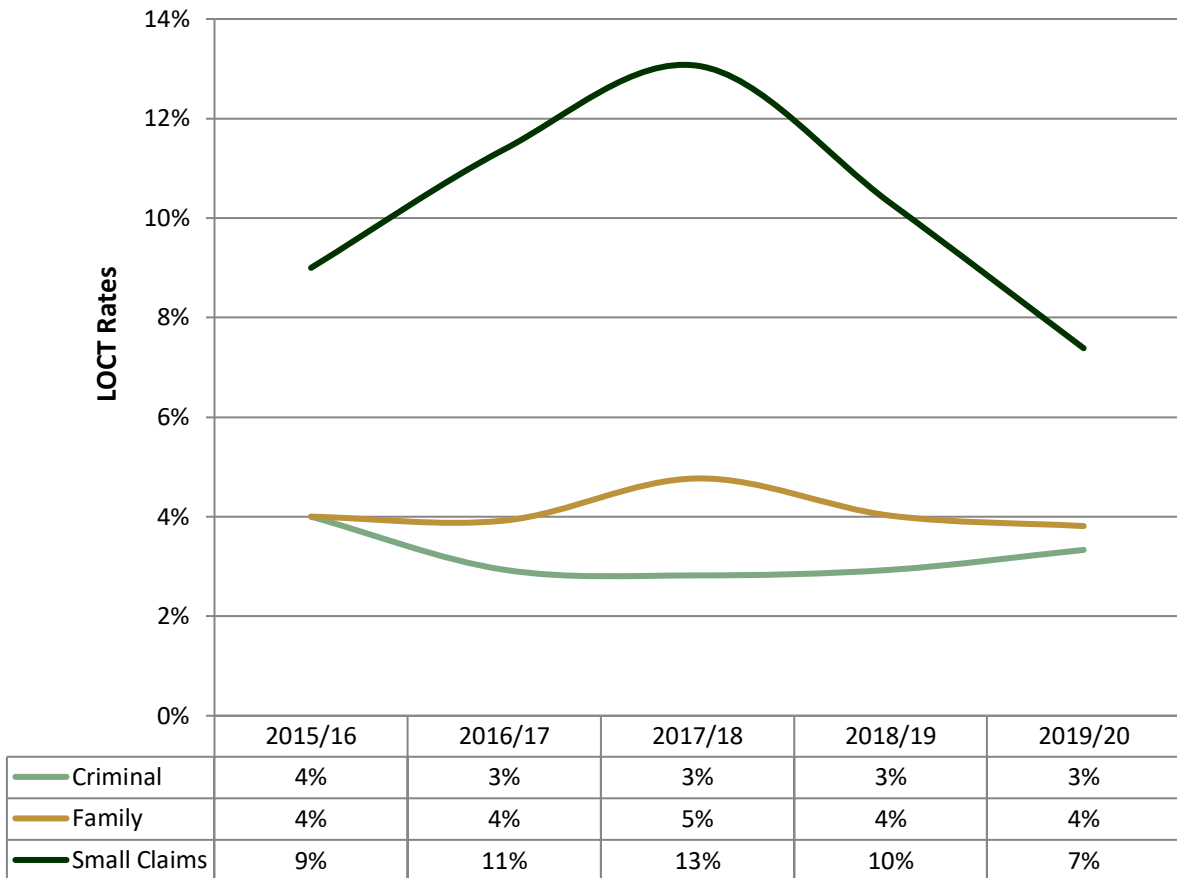
Figure 32 shows the lack of court time rates for each division in 2019/20. Lack of court time (LOCT) rates capture the percentage of trials that were adjourned because the Court did not have sufficient judicial resources to hear a given trial on the day it was scheduled to begin.

Figure 32 - Lack of Court Time Rates by Division



While LOCT rates for family and criminal have held steady, the rate for small claims is at the lowest point of the past five years. The five year trend for each division is shown in Figure 33 below.

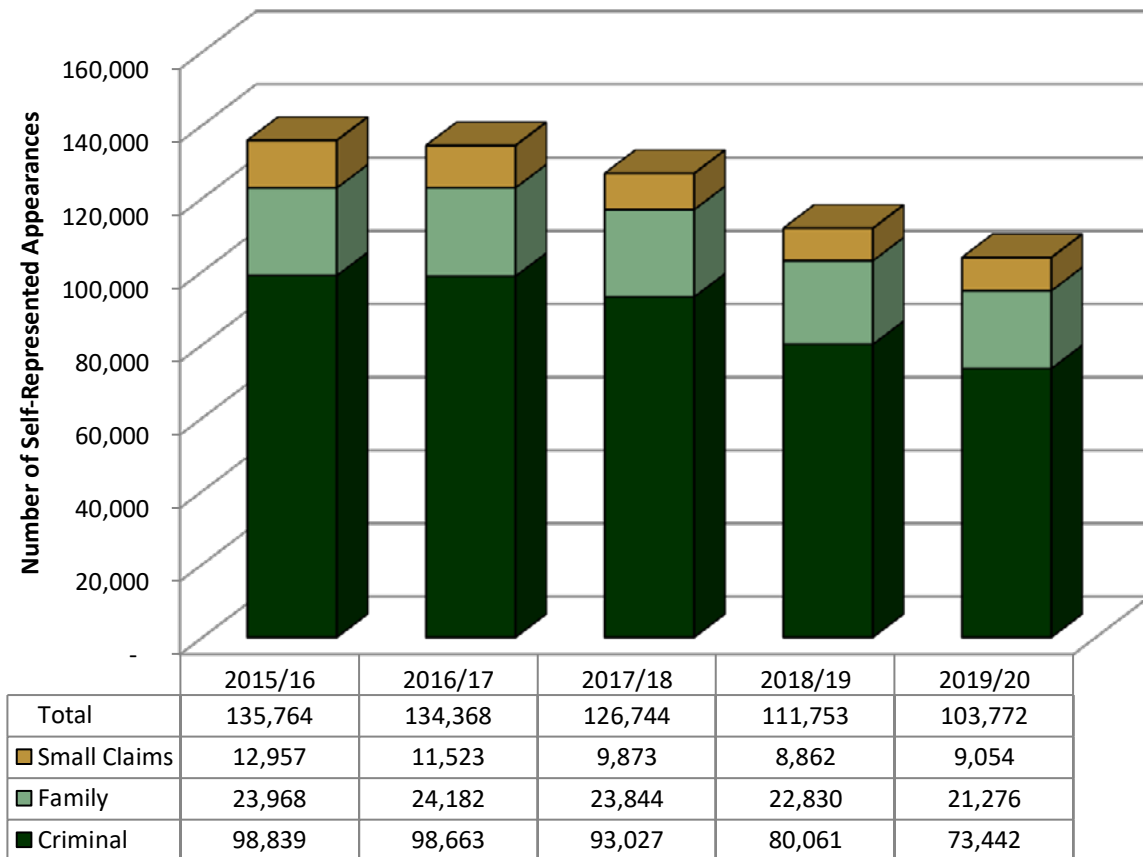
Figure 33 - Lack of Court Time Rates by Division, 2015/16 - 2019/20



Self-Represented Litigants

The Court oversaw a total of 103,772 self-represented appearances in 2019/20,²⁹ representing a 7% decrease compared to last year. Figure 34 below shows the number of self-represented appearances by division over the past five fiscal years.³⁰

Figure 34 - Number of Self-Represented Appearances by Division, 2015/16 - 2019/20

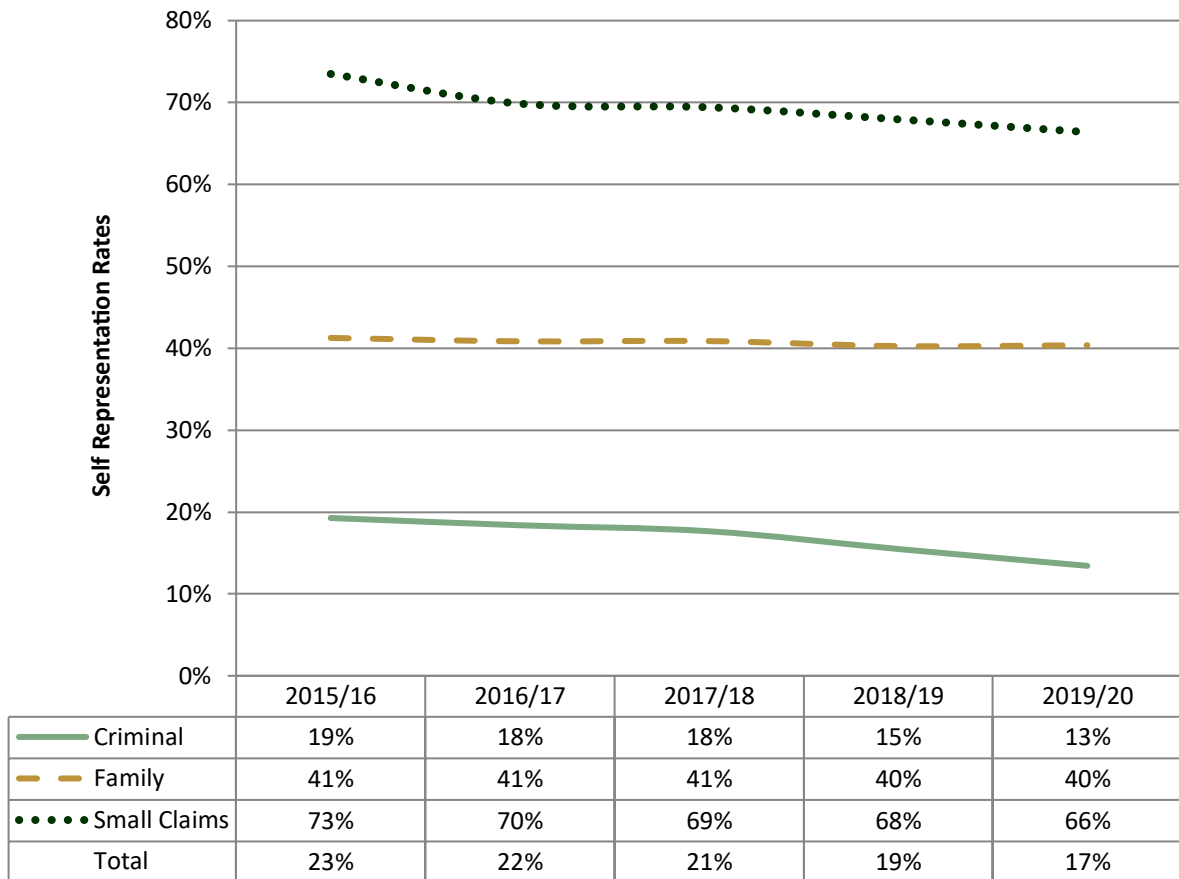


29. A self-represented appearance is when the accused is recorded as appearing in court with no counsel or agent present. Data Source: Criminal BI Database. Data are preliminary and subject to change. This analysis counts only appearances that took place, excluding cases that have been adjourned or cancelled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

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

While the number of self-represented appearances is highest in the criminal division, the rate of self-representation is lowest. Figure 35 shows the self-representation rate for each division over time. The overall rate of self-representation continues to decline and is currently at its lowest point in five years.

Figure 35 - Rate of Self-Represented Appearances by Division, 2015/16 - 2019/20



Financial Report

The Provincial Court of BC continued to serve the public in the administration of justice within its allocated budget. The Court faced ongoing budget pressures in the 2019/2020 fiscal year but was able to access government authorized contingent funds to complete the year with a balanced budget. Figure 36 below provides an overview of the estimates budget allocated to the Court, the actual expenses incurred, and the authorized contingencies accessed.

Figure 36 - Statement of Operating Expenses - Fiscal Year 2019/2020

	Description	Estimates/Budget	Actual	Variance	
50	Salaries	\$45,756,000	\$45,793,981	-\$37,981	
51	Supplemental Salaries	\$30,000	\$96,797	-\$66,797	(1)
52	Benefits	\$11,622,000	\$11,852,657	-\$230,657	(2)
	Total Salaries and Benefits	\$57,408,000	\$57,743,435	-\$335,435	
55	Jud'l Council Fees & Exp		\$35,775	-\$35,775	
55	Jud'l Justices Fees & Exp	\$1,997,000	\$2,530,350	-\$533,350	(3)
57	Travel	\$1,298,000	\$1,550,246	-\$252,246	(4)
60	Professional Services	\$157,000	\$338,608	-\$181,608	(5)
63	IT/Systems	\$216,000	\$618,829	-\$402,829	(6)
65	Office Expenses	\$992,000	\$1,238,001	-\$246,001	(7)
68	Advertising	\$3,000		\$3,000	
69	Supplies - Jud'l Attire	\$76,000	\$87,485	-\$11,485	
70	Vehicle Expenses	\$66,000	\$53,924	\$12,076	
73	Amortization	\$249,000	\$563,403	-\$314,403	(8)
75	Renovations and Rent		\$231,871	-\$231,871	(9)
77	Transfers - Grants	\$4,000		\$4,000	(7)
80	Transfers - CAPCJ & CCCJ	\$175,000	\$12,200	\$162,800	(7)
85	Other Expenses	\$91,000		\$91,000	(7)
	Total Operating Expenses	\$5,324,000	\$7,260,692	-\$1,936,692	
	Other Authorizations	\$2,272,127		\$2,272,127	(10)
	Grand Total	\$65,004,127	\$65,004,127	\$ -	

Notes

- (1) Supplemental salaries primarily associated with shift work at the Justice Center.
- (2) Higher relocation and taxable professional development allowance expenses.
- (3) Increasing number of judicial justice shifts due to caseload and higher rates resulting from Judicial Compensation Commission.
- (4) Increasing travel requirements and higher travel costs due to increasing mileage allowances and accommodation rates across the province.
- (5) Professional services including one-time consulting contracts.
- (6) IT costs associated with maintaining an in-house IT team to support judiciary information systems.
- (7) Historical budget allocation does not reflect current operations. Adjustment has been requested.
- (8) Amortization of judiciary fleet vehicles and information systems software and hardware.
- (9) Costs associated with maintenance and repairs of aging courthouses and amortization of capital facilities projects.
- (10) Government authorized contingent funds in the amount of \$2.272 million were made available to the Court for fiscal 2019/20.

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. In 2019 the Court launched a secure online complaint form intended to help speed up response time.

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, 2019 to December 31, 2019, the Office of the Chief Judge received 305 letters of complaint about judges, judicial justices, and judicial case managers. On assessment, 288 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 2018, 13 examinations were completed and resolved at the examination stage.

Summaries of the completed complaint examinations can be found in [Appendix 3](#). Figure 37 tracks complaint statistics and outcomes for the last decade. Since 2010, almost all complaints have been resolved at the examination stage.

Figure 37 - Complaints Statistics, 2010-2019 ³¹	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Letters received	280	272	227	253	273	204	336	352	379	305
Non-complaints (those found not to be within Section 11 of the PCA)	225	239	206	225	254	164	313	335	370	288
Examinations of complaints performed to December 31, 2019	* 29	* 39	* 21	* 20	* 28	* 19	* 26	* 16	* 9	* 13
Investigations of complaints performed	0	0	0	0	0	0	0	1	0	0
Files unresolved by December 31, 2019	0	0	0	0	11	23	7	16	5	9

31. * 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 38 - List of Judges as of March 31, 2020³²

PROVINCIAL COURT JUDGES 2019/20

Office of the Chief Judge	Status
Chief Judge Melissa Gillespie	
Associate Chief Judge Paul Dohm	
Associate Chief Judge Susan Wishart	
Judge Richard Miller	Senior
Fraser Region	Status
Regional Administrative Judge Robert Hamilton	
Judge David Albert	Full Time
Judge Therese Alexander	Full Time
Judge Kimberley Arthur-Leung	Full Time
Judge Dawn Boblin	Full Time
Judge Rita Bowry	Full Time
Judge Anja Brown	Full Time
Judge Gregory Brown	Full Time
Judge Richard Browning	Full Time
Judge Andrea Brownstone	Full Time
Judge Jeffrey Campbell	Full Time
Judge Valliammai Chettiar	Full Time
Judge Gary Cohen	Full Time
Judge Tina Dion	Full Time
Judge Georgia Docolas	Full Time
Judge Diana Dorey	Full Time
Judge Shehni Dossa	Full Time
Judge Kathryn Ferriss	Full Time
Judge Deanne Gaffar	Full Time
Judge Gurmail S. Gill	Senior
Judge Peder Gulbransen	Senior
Judge Robert Gunnell	Full Time
Judge Brent G. Hoy	Senior
Judge Jahani Delaram	Full Time
Judge Eugene Jamieson	Full Time
Judge Patricia Janzen	Full Time
Judge Mark Jetté	Full Time
Judge Peter LaPrairie	Full Time
Judge Jennifer Lopes	Full Time
Judge Trudy Macdonald	Full Time

32. Judges on long term disability are not listed.

Fraser Region Cont.	Status
Judge Robin McQuillan	Full Time
Judge Kristen Mundstock	Full Time
Judge Andrea Ormiston	Full Time
Judge Edna M. Ritchie	Full Time
Judge Jill Rounthwaite	Part Time
Judge Craig Sicotte	Full Time
Judge Satinder Sidhu	Full Time
Judge David Silverman	Full 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 Daniel Weatherly	Full Time
Judge Wendy Young	Full Time
Interior Region	Status
Regional Administrative Judge Marguerite Shaw	
Judge Mariane R. Armstrong	Full Time
Judge Robert G. P. Brown	Full Time
Judge Ellen M. Burdett	Senior
Judge Clarke Burnett	Full Time
Judge Christopher D. Cleaveley	Senior
Judge Michelle Daneliuk	Full Time
Judge Roy Dickey	Full Time
Judge Lynam Doerksen	Full Time
Judge Stella Frame	Full Time
Judge Jeremy Guild	Full Time
Judge Stephen Harrison	Senior
Judge Cathaline Heinrichs	Full Time
Judge Richard Hewson	Full Time
Judge Gregory Koturbash	Full Time
Judge Monica McParland	Full Time
Judge R. Dennis Morgan	Full Time
Judge Raymond Phillips	Full Time
Judge Philip Seagram	Full Time
Judge William Grant Sheard	Full Time
Judge Robin R. Smith	Senior
Judge Mark Takahashi	Senior
Judge Andrew Tam	Full Time
Judge Lisa Wyatt	Full Time

Northern Region	Status
Regional Administrative Judge Victor Galbraith	
Judge Richard R. Blaskovits	Senior
Judge Michael Brecknell	Full Time
Judge Brian Daley	Full Time
Judge Judith Thorne Doulis	Full Time
Judge Michael Gray	Senior
Judge William Jackson	Full Time
Judge Shannon Keyes	Full Time
Judge George Leven	Full Time
Judge Cassandra Malfair	Full Time
Judge Peter McDermick	Full Time
Judge Susan Mengerig	Full Time
Judge David Patterson	Full Time
Judge Dwight Stewart	Full Time
Judge Calvin Struyk	Full Time
Judge Linda Thomas	Full Time
Judge Karen Whonnock	Full Time
Judge Peter Whyte	Full Time
Judge Terence Wright	Full Time
Vancouver Region	Status
Regional Administrative Judge John Milne	
Judge Nancy Adams	Full Time
Judge James Bahen	Full Time
Judge Laura Bakan	Full Time
Judge Patricia Bond	Full Time
Judge Elisabeth Burgess	Senior
Judge Joanne Challenger	Full Time
Judge Patrick Chen	Senior
Judge Bonnie Craig	Full Time
Judge Kathryn Denhoff	Full Time
Judge Harbans Dhillon	Full Time
Judge Patrick Doherty	Full Time
Judge Bryce Dyer	Senior
Judge Joseph Galati	Full Time
Judge Maria Giardini	Senior
Judge Ellen Gordon	Full Time
Judge Reginald Harris	Full Time
Judge Glen Lee	Full Time
Judge Wilson Lee	Full Time
Judge Malcolm MacLean	Full Time
Judge Steven Merrick	Full Time

Vancouver Region Cont.	Status
Judge Paul Meyers	Full Time
Judge Jennifer Oulton	Full Time
Judge Nancy Phillips	Full Time
Judge Rose Raven	Full Time
Judge Gregory Rideout	Full Time
Judge Donna Senniw	Full Time
Judge Lyndsay Smith	Full Time
Judge David St. Pierre	Full Time
Judge James Sutherland	Full Time
Judge Jodie F. Werier	Senior
Judge James Wingham	Full Time
Vancouver Island Region	Status
Regional Administrative Judge Carmen Rogers	
Judge Jennifer Barrett	Full Time
Judge Evan C. Blake	Senior
Judge Adrian Brooks	Full Time
Judge Loretta F. E. Chaperon	Senior
Judge J. Douglas Cowling	Senior
Judge Catherine A. Crockett	Full Time
Judge Roger Cutler	Full Time
Judge Barbara Flewelling	Full Time
Judge Ted Gouge	Full Time
Judge Brian Harvey	Full Time
Judge Robert A. Higinbotham	Senior
Judge Brian Hutcheson	Full Time
Judge Ronald Lamperson	Full Time
Judge Christine Lowe	Full Time
Judge J. Parker MacCarthy	Full Time
Judge Mayland D. McKimm	Full Time
Judge Lisa Mrozinski	Full Time
Judge Justine E. Saunders	Senior
Judge Ronald J. Webb	Senior
Judge Alexander M. D. Wolf	Full Time

Figure 39 - List of Judicial Justices as of March 31, 2020³³**JUDICIAL JUSTICES, 2019/2020 (as of March 31st)**

Sitting Division (Full Time)	Assignment
Administrative Judicial Justice Gerry Hayes	Justice Centre
Judicial Justice Irene Blackstone	Traffic
Judicial Justice Joseph Chellappan	Justice Centre/Traffic
Judicial Justice Patrick Dodwell	Traffic
Judicial Justice Joan Hughes	Traffic
Judicial Justice Susheela Joseph-Tiwary	Traffic
Judicial Justice Zahid Makhdoom	Traffic
Sitting Division (Part Time)	Assignment
Administrative Judicial Justice Lori Plater	Traffic
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 Alison Campbell	Justice Centre
Judicial Justice Caroline Christiaens	Justice Centre
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 Christopher Maddock	Justice Centre/Traffic
Judicial Justice Dave Maihara	Justice Centre
Judicial Justice Linda Mayner	Traffic
Judicial Justice Carmella Osborn	Justice Centre/Traffic
Judicial Justice Debra Padron	Justice Centre
Judicial Justice Carol Roberts	Justice Centre
Judicial Justice William Rodgers	Justice Centre
Judicial Justice Candice Rogers	Justice Centre
Judicial Justice Peter Stabler	Justice Centre/Traffic
Judicial Justice David Schwartz	Justice Centre/Traffic
Judicial Justice Bronson Toy	Justice Centre

33. Judicial justices on long term disability are not listed.

Figure 40 - List of Justice of the Peace Adjudicators as of March 31, 2020

JUSTICE OF THE PEACE ADJUDICATORS, 2019/20	
Frank Borowicz	
Karl Warner	
Karen Nordlinger	
Marina Pratchett	

Figure 41 - List of Judicial Case Managers as of March 31, 2020

JUDICIAL CASE MANAGERS, 2019/20	
Office of the Chief Judge	Status
Administrative JCM Yvonne Hadfield	Full Time
JCM Supervisor Laura Caporale	Full Time
OCJ JCM Longine Chung	Full Time
Fraser Region	Status
JCM Michelle Danyluk	Part Time
JCM Marylynn deKeruzec	Part Time
JCM Sheryl Gill	Auxiliary
JCM Heather Holt	Part 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	Full Time
JCM Julie Willock	Full Time
JCM Angela Jones	Part Time
Interior Region	Status
JCM Kathy Bullach	Part Time
JCM Carla Cleveland	Full Time
JCM Sandra Hadikin	Part Time
JCM/OCJ JCM Dalene Krenz	Full Time
JCM Arlene McCormack	Part Time
JCM Sheila Paul	Full Time
JCM Betty Vincent	Auxiliary
JCM Marj Warwick	Part Time
JCM Marilyn Yuckin	Full Time

Northern Region	Status
JCM Donna Bigras	Auxiliary
JCM Lindsay Christian	Full Time
JCM Hillary Lewis	Full Time TA until Sep 2021
JCM Ronda Hykawy	Full Time
JCM Sherry Jasper	Auxiliary
JCM Sarah Lawrence	Full Time
JCM Lyne Leonardes	Full Time
JCM Sharon MacGregor	Full Time
JCM Deb Pillipow	Auxiliary
JCM Elesha Saunders	Maternity leave until Sep 2021
Vancouver Island Region	Status
JCM Jill Appleton	Full Time
JCM Alison Bruce	Auxiliary
JCM Shannon Cole	Full Time
JCM Tracey Hall	Auxiliary
JCM Lisa Harrison	Full Time
JCM Deborah Henry	Auxiliary
JCM Veronica Mitchell	Full Time
JCM Cindy Smith	Full Time
JCM Arlene Sutton-Atkins	Full Time
Vancouver Region	Status
JCM Moshtaba Araghi	Full Time
JCM Sarah Calla	Full Time
JCM Rachel Fujinami	Full Time
JCM Mathew Fong	Part Time
JCM Teresa Hill	Auxiliary
JCM Karoline Marcher	Part Time
JCM Jovanka Mihic	Part Time
JCM Heather Wullum	Full Time
JCM Judi Norton	Auxiliary
JCM Barbara Sayson	Full Time
JCM Alisa Warner	Full Time

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 42 - List of Judges who retired or elected to sit part-time as of March 31, 2020

Judge	Judicial Region	Date	Reason ³⁴
Judge Elizabeth Bayliff	Northern	30-Apr-19	Retirement
Judge Thomas Woods	Fraser	10-May-19	Retirement
Judge Ronald Webb	Vancouver Island	31-May-19	Senior Election
Judge Deirdre Pothecary	Fraser	06-Jun-19	Retirement
Judge Herman Seidemann	Northern	20-Jun-19	Retirement
Judge Pedro de Couto	Fraser	28-Jun-19	Retirement
Judge Jane Cartwright	Interior	27-Dec-19	Retirement
Judge Thomas Gove	Vancouver	31-Jan-20	Retirement
Judge Jodie Werier	Vancouver	31-Mar-20	Senior Election
Judge Maria Giardini	Vancouver	31-Mar-20	Senior Election

34. The last sitting day of a retiring judge is recorded as a retirement.

Appendix 3: Complaint Summaries

Complaints Against Judges	
#	Summary
1	<p>Complaint: The complaint arose from a small claims settlement conference. The complainant asserted that the judge was biased against them, used an inappropriate tone when speaking to them, made inappropriate comments, and pretended to be busy instead of answering the complainant's question.</p> <p>Review: The judge's response was sought. (Settlement conferences are generally not recorded.) The judge's response appeared to fully answer the concerns expressed in the complaint. The judge did not agree with the complainant's characterizations of their conduct during the settlement conference and recalled that there were discussions to ensure that the complainant knew how to obtain the information that they were seeking. Further, the complainant's assertions of bias were not substantiated as the complainant provided no evidence or basis to support those assertions beyond their disagreement with the outcome of the proceeding.</p> <p>The complainant's concerns appeared to be due, in part, to a misunderstanding of the judge's role at a settlement conference. In seeking to mediate small claims cases during a settlement conference, judges take an evaluative approach as to the likelihood of success of a claim, and it is expected that the judge will be frank with the parties as to the judge's summary view of the strengths and weaknesses of each party's case. As well, a judge presiding over a proceeding must ensure the effective management of court proceedings. (See also The Judge's role at a Settlement Conference.)</p> <p>Following a review of the complaint and the judge's response in the context of a settlement conference, it could not be fairly concluded that the judge engaged in any actions or comments that could be considered judicial misconduct. The complainant and the judge were informed of the same, and the matter was closed on that basis.</p>

Complaints Against Judges

#	Summary
2	<p>Complaint: The complaint arose from a small claims settlement conference. The complainant asserted that the judge was biased against them and stated at the outset of the settlement conference that they knew the complainant from a business dealing in the past.</p> <p>Review: The judge’s response was sought. (Settlement conferences are generally not recorded). The judge agreed that they disclosed their past interaction with the complainant at the start of the settlement conference, for the sake of transparency, and that none of the parties conveyed an objection to continuing the settlement conference with the judge.</p> <p>The complainant’s other concerns appeared related to a misunderstanding of the judge’s role at a settlement conference. In seeking to mediate small claims cases during a settlement conference, judges take an evaluative approach as to the likelihood of success of a claim, and it is expected that the judge will be frank with the parties as to the judge’s summary view of the strengths and weaknesses of each party’s case. As well, a judge presiding over a proceeding must ensure the effective management of court proceedings. (See also The Judge’s role at a Settlement Conference.)</p> <p>Following a review of the complaint and the response from the judge, it could not be fairly concluded that the judge acted in a manner that could be described as judicial misconduct. The complainant and the judge were informed of the same, and the matter was closed on that basis.</p>
3	<p>Complaint: The complainant asserted that the judge did not allow them to communicate with their counsel and that the judge told them that “[they] should get something [sic] to have power of attorney over [them] so they could do [their] thinking for [them]”.</p> <p>Review: The audio recording was reviewed and a response was sought from the judge. The judge provided a detailed and fulsome response that addressed the concerns set out in the complaint.</p> <p>The audio recording confirmed that the complainant was told to stop whispering as it was disruptive to the judge who was trying to hear witness testimony. The judge explained that the comment about the power of attorney was in response to a statement the complainant made during their testimony about their ability to remember things being affected by a medical condition.</p> <p>It was apparent that the complainant and the judge may both have been experiencing a level of frustration, given the history and progression of the file. Though the judge’s serenity was at times broken, against a review of the complaint, the audio recording, and the judge’s response, it was not apparent that the judge’s conduct in the circumstances raised an issue of judicial misconduct. Beyond providing the judge with a copy of the complaint and reporting letter to remind them of how a judge’s actions at a hearing may be perceived, it was determined that no further examination was warranted. The complainant was informed of the same and the matter was closed on that basis.</p>

Complaints Against Judges	
#	Summary
4	<p>Complaint: The complaint arose from a small claims settlement conference. The complainant made a number of assertions, including an assertion of bias, that the judge raised their voice and told the complainant to “shut up”, and that the judge became “outraged and incensed” and ordered the complainant to “get out of the room”.</p> <p>Review: A response was sought from the judge and the audio recording of the proceedings was reviewed. (Settlement conferences are generally not recorded; however, a recording was available in this instance.)</p> <p>Review of the audio recording confirmed that, though it was apparent that the judge became more forceful with the complainant than they expected, the complainant was not being responsive to the judge’s directions to refrain from interrupting others.</p> <p>It was determined that the judge’s conduct did not raise an issue of judicial misconduct. Beyond providing the judge with a copy of the complaint and the reporting letter, it was determined that no further examination was warranted. The complainant was informed of the same and the matter was closed on that basis.</p>
5	<p>Complaint: The complaint arose from a family case conference. The complainant alleged that they felt they were being “bullied, pigeonholed and discriminated against”, that the judge prevented them from having an opportunity to speak, and that the judge provided legal advice to the other party.</p> <p>Review: A response was sought from the judge. (Family case conferences are not normally recorded). The judge provided a detailed response that appeared to fully answer the concerns expressed by the complainant.</p> <p>The judge disputed the assertions made by the complainant. A review of the matter, when viewed against the background of the complainant’s letter, the judge’s response in the context of a family case conference, did not establish that judicial misconduct occurred. The complainant was informed of the same and the matter was closed on that basis.</p>
6	<p>Complaint: Concerns were received regarding an incident between a judge and registry staff.</p> <p>It was alleged that the judge engaged the staff member in discussion in which the judge’s conduct was perceived as “bullying behavior” and made comments which could be characterized as “intimidating”.</p> <p>Review: A response was sought from the judge and interviews were conducted. The matters identified could be addressed through corrective action, which was completed as directed, including submitting a letter of apology, office adjustments, and ethics review. Further, the judge will advise the Associate Chief Judge on certain matters rather than directing their comments to registry staff or taking unilateral action. A reporting letter was sent to all relevant parties and the matter was closed on that basis.</p>

Complaints Against Judges

#	Summary
7	<p>Complaint: The complaint arose out of a family proceeding. The complainant asserted that the judge had made up their mind about the application before the proceedings commenced, raised their voice toward and cut off the complainant and a witness during the proceedings, and denied the complainant’s initial request for a mistrial without hearing submissions.</p> <p>Review: The audio recording from the trial was reviewed and a response was sought from the judge. The audio recording indicated that the judge made comments that could reasonably give rise to a perception of an absence of impartiality. The audio recording also indicated that, though the judge did not hear submissions on the mistrial application when the complainant first brought the application, a mistrial was subsequently declared at the end of that day.</p> <p>In the judge’s response, they apologized to all parties present at the hearing, including counsel and the witness in question. The judge also expressed regret for their management of the hearing.</p> <p>The complainant was informed of the apology in a reporting letter, a copy of which was provided to the judge for their information, and the complaint was resolved on that basis.</p>
8	<p>Complaint: The complaint arose from a small claims settlement conference. The complainant asserted that the judge spoke to them in a raised voice, made an inappropriate comment regarding the cost of trials to taxpayers, and made comments about having wrist pain that the complainant perceived as an attempt to “coerce and bully” them into settling their claim.</p> <p>Review: A response was sought from the judge. (Settlement conferences are generally not recorded). The judge disputed the assertions that they raised their voice or acted unfairly and unethically.</p> <p>The judge acknowledged that while they mentioned wrist pain, it was an explanation for the speed of their writing and the quality of their penmanship.</p> <p>Following a review of the complaint and the judge’s response, it could not fairly be concluded that the judge acted in a manner that could be described as judicial misconduct. The complainant was so informed, and the matter was closed on that basis.</p>

Complaints Against Judicial Justices

- 9 **Complaint:** The complaint arose from bylaw proceedings. The complainant asserted that the judicial justice raised their voice, exhibited “cultural incompetence” in their statements in court, was biased, and provided advice to the constable who issued the ticket.
- Review:** The audio recording was reviewed to better understand the assertions made in the complaint. The audio recording of the proceedings did not support the bulk of the complainant’s assertions; however, it indicated that the judicial justice made a statement to the constable which could be perceived as advice. As such, a response was sought from the judicial justice in this regard.
- The judicial justice provided a response which fully spoke to the concerns in the complaint. The judicial justice expressed that they were saddened by the complainant’s perceptions of their conduct as characterized in the complaint. The judicial justice explained that their comments to the constable were not intended to be a direction or legal advice and confirmed that they had no communication with the constable on the matter outside of the proceedings in court.
- A review of the complaint, the audio recording, and the judicial justice’s response led to the conclusion that further action on the complaint was not warranted. A reporting letter was sent to the complainant and the matter was closed on that basis.
- 10 **Complaint:** The complaint arose from applications in relation to a criminal investigation. The complainant asserted that the judicial justice made “unprofessional and inappropriate” comments to the complainant and provided guidance with respect to re-applying. It was also asserted that one of the applications was denied due to formatting concerns, but “a sourcing issue” was cited as the reason for denial.
- Review:** A response was sought from the judicial justice. The judicial justice disputed the assertions. As the judicial justice’s conversation with the complainant took place out of court and was not audio recorded, there was no way to determine exactly what happened.
- In the circumstances, it could not be fairly concluded that the judicial justice engaged in judicial misconduct. The complainant received a reporting letter, which was copied to the judicial justice. The judicial justice was also provided with recent caselaw outlining the general principles regarding facial validity of Informations to Obtain. The matter was closed on that basis.

Complaints Against Judicial Case Managers

11	<p>Complaint: The complaint arose from the scheduling of a criminal matter. The complainant asserted that the judicial case manager (JCM) refused to listen to them, continually cut them off, threatened them with obtaining a warrant for their arrest, and then cut off the phone call without answering their questions.</p> <p>Review: A response was sought from the JCM. The JCM's response appeared to fully answer the complainant's concerns.</p> <p>It was apparent that the interactions between the complainant and the JCM may have been strained at times. The JCM recalled that two of the phone calls were ended abruptly as the complainant frequently interrupted the JCM and was aggressive and argumentative.</p> <p>Following a review of the complaint, the JCM's response, and the surrounding circumstances, it was determined that beyond receipt of a copy of the complaint and reporting letter by the JCM, no further examination was warranted. The complainant was informed of the same and the matter was closed on that basis.</p>
12	<p>Complaint: The complaint arose out of a family matter. The complainant asserted that they did not receive any notification or confirmation with respect to an upcoming pre-trial conference.</p> <p>Review: A response was sought from the judicial case manager (JCM). The JCM provided documentation indicating that all parties had received notice of the court date. The audio recording of the proceeding at which the date was set also indicated that the complainant was present and verbally agreed to the date.</p> <p>Following a review of the complaint, the JCM's response, and the audio recording, it could not fairly be concluded that the JCM acted in a manner that could be described as judicial misconduct. The complainant was informed of the same and the matter was closed on that basis.</p>
13	<p>Complaint: The matter arose from a small claims matter. The complainant asserted that they emailed the judicial case manager (JCM) about setting a date for their matter while the JCM was away from the office. The complainant indicated that it had been almost a month since the JCM's noted date of return; however, no response had been received.</p> <p>Review: A response was sought from the JCM. The JCM advised that they were not ignoring the complainant, they were prioritizing more urgent matters. Further, the JCM noted that there was no indication that the complainant directed their initial query to the person noted in the JCM's out-of-office message or sent a follow-up email advising that their matter was urgent, as the date the complainant was requesting was a few months away.</p> <p>The JCM advised that they would set the complainant's date, which the court record indicates happened shortly after the JCM's response was received.</p> <p>The JCM was reminded that there is a responsibility on JCMs to deal with matters and correspond with individuals in a timely manner. The complainant was provided with a reporting letter and the matter was closed on this basis.</p>

Appendix 4: Time to Trial Definitions, Weighting and Standards

Division Specific Time to Trial Definitions

Time to an adult criminal trial is defined as the number of months between an Arraignment Hearing/Fix Date³⁵ 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 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 current standards came into effect on June 30, 2016 and were developed based on the changes to the estimated trial length categories.

The Court now collects information on three different lengths of trial - less than two days, two to four days, and five or more days - in addition to Summary Proceedings Court³⁶ 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.

35. 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.

36. In seven of the Court's busiest locations, Summary Proceedings Courts conduct trials, hearings, or dispositions set for less than half a day.

Figure 43 - Time to Trial Measures and Standards

Jurisdiction	Measures and Standards	
	Measure	OCJ Standard
Small Claims	Settlement Conference	2 months
	Summary Proceedings Court (SPC)	4 months
	<2 Day Trial (non-Assignment Court locations)	5 months
	2-4 Day Trial	6 months
	5 Days or More Trial	8 months
Family (CFCSA)	Family Case Conference (FCC)	2 months
	SPC	2 months
	<2 Day Trial (non-Assignment Court locations)	3 months
	2-4 Day Trial	4 months
	5 Days or More Trial	6 months
Family (FLA)	FCC	2 months
	SPC	3 months
	<2 Day Trial (non-Assignment Court locations)	4 months
	2-4 Day Trial	5 months
	5 Days or More Trial	6 months
Criminal	SPC	4 months
	<2 Day Trial (non-Assignment Court locations)	6 months
	2-4 Day Trial	7 months
	5 Days or More Trial	8 months
	Youth Trial	4 months



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