



Provincial Court of
British Columbia

ANNUAL REPORT 2020/21

**Finding New Pathways:
Learning from experience while
keeping courts open & safe**



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Message from the Chief Judge

The virus that made its way around the world early in 2020 changed much of what we do in our daily lives and how we do it. To maintain access to justice while safeguarding public health, courts around the world were confronted with the imperative of keeping courts open but reducing the number of people attending courthouses in person.

In 2020/21, the work of the Provincial Court of British Columbia focused on finding ways to provide people in BC with access to the Court when they needed it most, while also building for a better future.

We challenged ourselves to find new ways for people to attend court remotely, making use of technology to transform the bail and pre-trial process. We also adopted the Microsoft Teams video platform for remote court appearances and most of our administrative meetings with the result that one or more participant attended remotely in 77% of Provincial Court appearances in 2020/21.

At the same time, we were mindful of the Provincial Court's many self-represented litigants and the fact that many litigants lack access to stable internet services and/or robust data plans due to geography and/or affordability. Unfortunately, public access to shared internet services has also been extremely challenging because people were limited in their ability to access these services during provincial and regional lockdowns.

“Access to justice” and “upholding the rule of law” are easy to say, but sometimes difficult to achieve. The need to create a more accessible, adaptable, and user-focused system of justice has never been so apparent as during this pandemic.

This report outlines some of the measures we instituted in response to the COVID-19 pandemic. Not all these changes will endure, but the Court's primary goal is to provide flexibility to court users. A court system that is completely

tethered to in-person attendance for all appearances does not meet the needs of the public. We cannot just resume old ways of doing things as quickly as possible. Instead, we will continue to focus on changes that will make our justice system more accessible and even more accountable to the diverse communities we serve. We will continue to communicate, collaborate, and innovate with the goal of building a better, more modern, and more inclusive justice system.

In 2020/21 eight judges were appointed, three senior judges were re-appointed for one-year terms, six retired, and seven elected to sit part-time as senior judges, giving the Court 124 full-time judges, 26 senior judges, and one judge sitting part-time as of March 31, 2021.

In addition, three part-time judicial justices were appointed and three were re-appointed to conduct bail hearings at the Justice Centre and preside in court on traffic, bylaw, and ticketable offences, giving us a complement of 33 full- and part-time judicial justices.

Throughout 2020/21, the Court's judicial officers and staff faced the challenges of adapting to rapid change valiantly. To get the Court's work done fairly and effectively, they learned to use new audio- and video-conferencing technology and to do familiar things in new ways in different locations. Without their commitment, resilience, courage, and compassion, the Provincial Court would have been unable to meet the pandemic's challenges as successfully as we did.



I also want to thank Associate Chief Judges Paul Dohm and Susan Wishart, the Regional Administrative Judges, BC Provincial Court Judges Association President Judge Bonnie Craig, Executive Director of Operations Ryan Mahar, Senior Legal Officer Caroline Berkey, Legal Officer Karen Leung, IT Services and Strategic Planning Manager Nick Chan, Business Products Manager Longine Chung, and Office of the Chief Judge staff for the way they responded to the extraordinary demands of the pandemic and all the late nights they worked.

Our strength is our people and I thank them for all their hard work and dedication.

Collaboration was an essential part of our achievements this year. The Court's pandemic response was informed by regular consultation with stakeholder groups. When some court operations were reduced temporarily, I organized telephone meetings with stakeholders, at first daily and then weekly, and Associate Chief Judges Dohm and Wishart also held regular meetings with criminal and family court stakeholders.

Collaboration was also important in other areas of the court's work. Launching the "Early Resolution" model of resolving family disputes as well as an innovative virtual mediation service ahead of schedule in Surrey was the result of impressive collaboration amongst government, lawyers, and Access Pro Bono, the non-profit group providing the services of volunteer lawyer/mediators.

All our specialized sentencing courts are created through collaboration with communities. They also work collaboratively with therapeutic and support services to respond to the needs of Indigenous communities and help mentally disordered and substance addicted offenders. This year we opened our seventh Indigenous Court in Williams Lake, and we are working with other communities to open more specialized sentencing courts in 2021. During the

pandemic our specialized courts demonstrated admirable resilience, flexibility, and creativity as they modified court procedures and support services to enable them to function safely.

The Court also continued its active public engagement activities, with many judges speaking to classes and groups by video-conference. I found that the travel time saved by speaking remotely allowed me to accept even more speaking engagements than usual, and the report includes photographs capturing some of the many virtual presentations made by our judges during the year.

This year the Court added [Getting the most from your Small Claims Settlement Conference](#) and a [Guide to Virtual Proceedings](#) to the series of guides to preparing and conducting various court proceedings posted on our plain language website. The website received almost 1.5 million page views, and we launched a new communications vehicle, offering some of our popular eNews articles as recorded [podcasts](#).

I am optimistic that with the continued cooperation and support of court users and everyone in the justice system we can apply the lessons learned during the pandemic and make more progress in 2021 and beyond.

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 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 conferences in disputes about guardianship of children, parenting arrangements, and child and spousal support 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](#).

Why Judicial Independence Matters

As judicial independence is threatened in different ways around the world, it becomes increasingly important to understand this cornerstone of democracy. An independent judiciary protects the public, not just judges.

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.

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 interfer-

ence or influence of any kind from any source, including politicians. 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.

Every Canadian has the constitutional right to have their legal issues decided by fair and impartial judges. 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 apply 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](#).



2020/21 By The Numbers

Judicial Officers

On March 31, 2021 there were

124
full-time judges

26
Senior judges

1
judge sitting part-time

50-64
years = age of most judges

61
years = judges' average and median age

8
judges were appointed in 2020/21

3
men

5
women

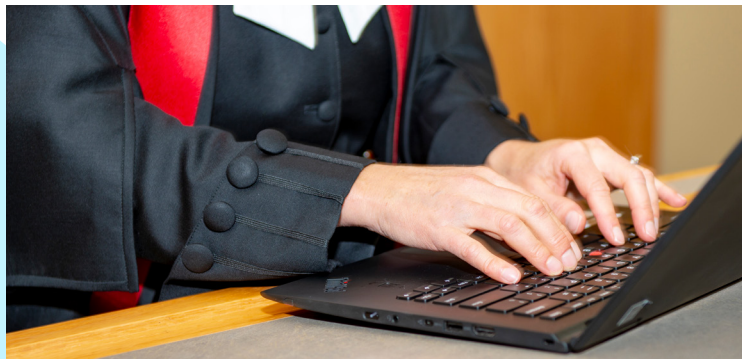
3
Senior judges were re-appointed to a one-year term

Of

55
judges appointed in the last five fiscal years,

29
were women

26
were men



The Court also had:

5 full-time **28** part-time judicial justices

16 women **17** men
hearing traffic & ticketable offence trials & bail & search warrant applications

4
part-time Justice of the Peace Adjudicators hearing simplified civil trials in Vancouver & Richmond

55
full-time, part-time, or auxiliary judicial case managers scheduling trials & presiding in Initial Appearance & Assignment Courts

Caseload

Note: 2020/21 numbers should be interpreted with caution due to temporary suspension of some court operations during the COVID-19 pandemic.

156,241
new Provincial Court cases
of all types in 2020/21

80,171
criminal, family & civil
matters heard by judges
(down 26% from 2019/20)

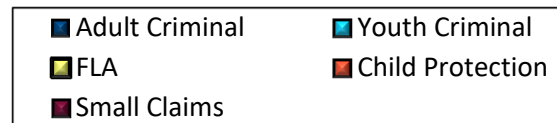
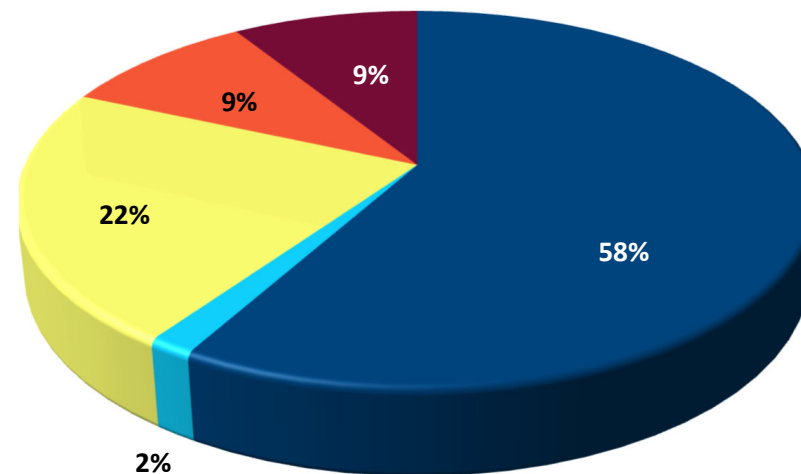
76,070
traffic, ticket & bylaw offences
heard by judicial justices (down 4%)

The Justice Centre considered:

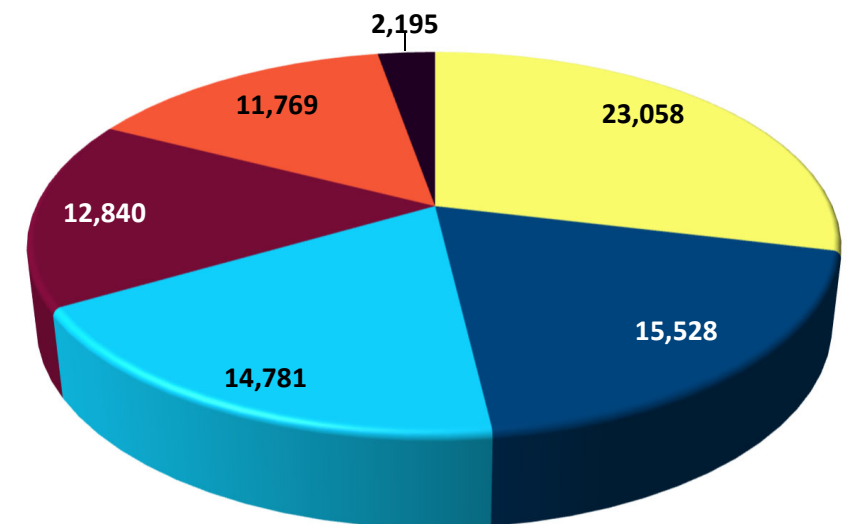
24,803
applications for warrants & production
orders & conducted

17,682
bail hearings

New Cases by Division



New Cases by Region



Self-Represented Appearances

60,923

self-represented appearances

↓ 41%

from last year

Self-represented litigants made:

10%

of appearances in criminal matters

40%

in family matters

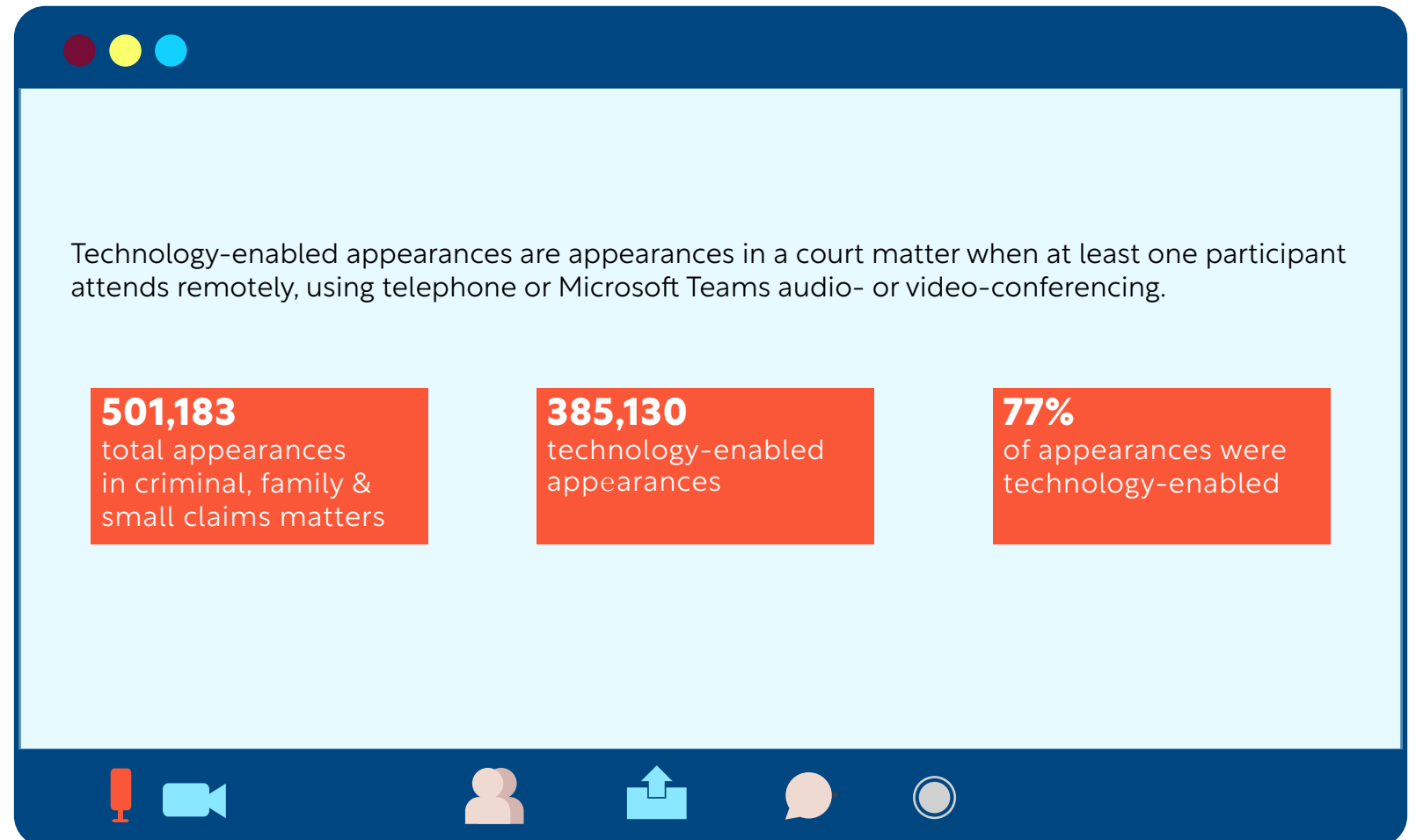
63%

in small claims matters

13%

overall

Remote Appearances in Criminal, Family & Small Claims Matters



UBC Interns Program

The Court's partnership with UBC's Allard School of Law benefits both students & judges.

The internship [program](#) was modified due to COVID-19 but

11

Allard Law students spent a term working with Provincial Court judges for academic credit during 2020/21.

Communications

The Court added [podcasts](#) to its ongoing public engagement through [eNews](#) blog articles, an interactive [Twitter](#) account, plain language [website](#) with guides & resources for litigants, & judges' speaking engagements.

All communications metrics increased from the previous year. In 2020 there were:

1,414,853

website page views



372,261

website users



285,441

downloads from the website



111,537

eNews page views



provincialcourt.bc.ca



[@BCProvCourt](https://twitter.com/BCProvCourt)



"@BCProvCourt has done a fabulous job of consulting with stakeholders, including @AllAssociation1 and CDAS about shutdowns.

They've been using social media (their #Clawbie2019 winning social media) to keep the public and lawyers informed quickly too."

Timeline 2020/21

During this challenging year, the Court's efforts focused on:

- keeping the Court accessible while minimizing transmission of COVID-19;
- managing caseload effectively to minimize delay for litigants and avoid creating a substantial backlog; and
- developing procedures and technology that could improve access to justice in the long term as well as the short.

This timeline shows some of the most significant steps towards those goals, as well as other highlights during the year.

In March 2020 the provincial government declared a state of emergency and public health officials advised minimizing the number of people physically present in buildings. As a result, the Court adopted "an essential services model" for the next twelve weeks, suspending some services and moving rapidly to perform others in different ways.

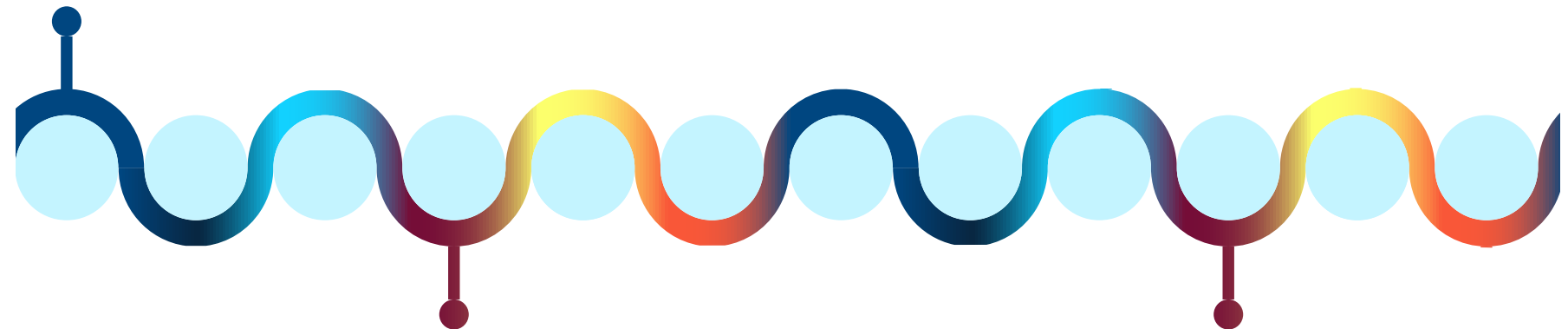
April 2020

Non-urgent matters were adjourned, but bail and sentencing hearings and urgent family, child protection, and small claims applications proceeded by telephone while work was done to equip the Court to conduct virtual proceedings using web-based video-conferencing technology.



2,685 people have watched Chief Judge Gillespie, BC's Chief Justices, and moderator Felix Evans in the April 29, 2020 "Justice Adapting: BC Courts" [webinar](#).

Photo: Deborah McIntosh



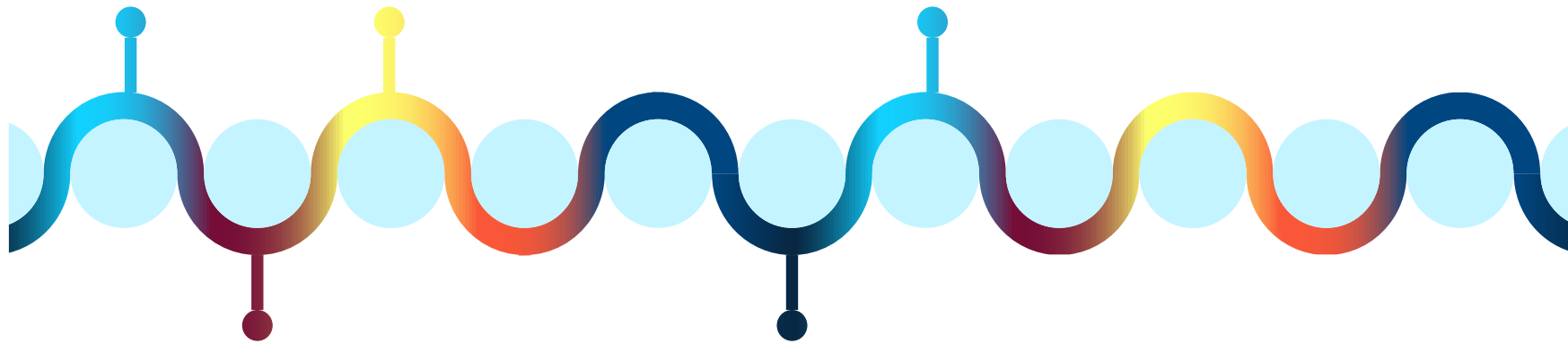
In order to keep its courts as open as possible, the Provincial Court made temporary arrangements for [accredited media](#) to arrange to attend court proceedings in person, listen to in-person or virtual proceedings by telephone, and obtain audio recordings of proceedings.

On April 29, Chief Judge Gillespie joined the Chief Justices of the BC Supreme Court and Court of Appeal in a webinar to inform the public about the Courts' current and planned pandemic responses.

May 2020

The Court:

- continued to hold urgent [hearings](#) by telephone
- began to conduct some conferences and hearings [by video](#) using the Microsoft Teams (MS Teams) video platform
- worked with the Canadian Bar Association BC Branch and the BC Trial Lawyers' Association to present a May 28 [webinar](#) answering [questions](#) about Teams proceedings and other aspects of the Court's pandemic response.



- conducted [mandatory pre-trial conferences](#) in criminal cases and family and small claims [case conferences](#) by telephone
- published a [Guide to Virtual Proceedings](#) (NP 21) with steps for using MS Teams and advice on conduct and etiquette during audio- and video-conference proceedings

“MS Teams and Virtual Hearings” webinar May 28, 2020



Business Products Manager Longine Chung and Executive Director of Operations Ryan Mahar



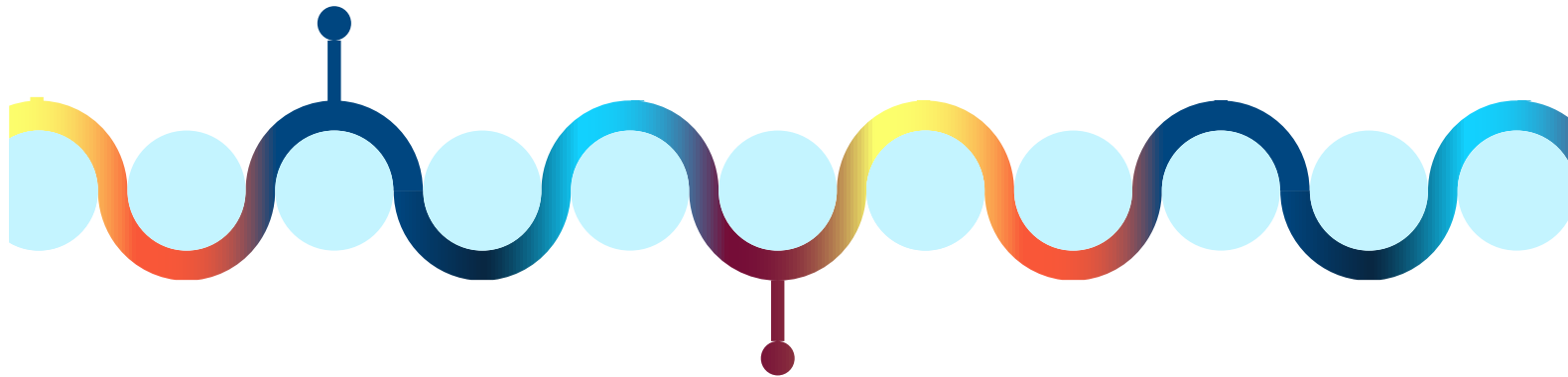
Associate Chief Judge Wishart



Chief Judge Gillespie and Legal Officer Karen Leung

June 2020

The Court announced innovative measures to resume [traffic, ticket, and bylaw trials](#) with adequate physical distancing. Over the summer months, Traffic Court hearings were held in large spaces offsite at universities and schools, and in evening sittings or staggered daytime hearings at some court locations.



As the Court Services Branch implemented COVID-19 safety measures in courthouses, many trials scheduled after June 8 were able to proceed. Judicial case managers worked to reschedule previously adjourned trials.



Traffic Court hearings were held at Kwantlen University

Photo: Kwantlen Polytechnic University

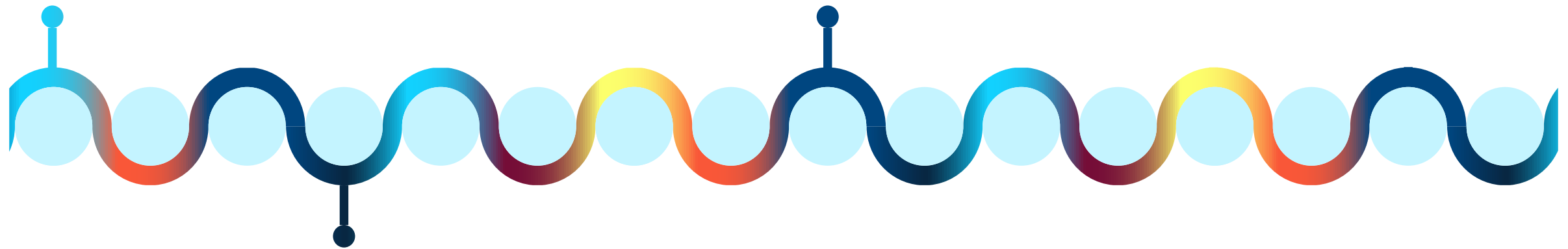


July 2020

The Court resumed hearing previously scheduled trials of all types in person on July 6, 2020, with courthouse [safety measures](#) in place. [By July 13](#), the Court was again accepting new filings for all case types.

September 2020

The usual number of [interns](#) working with judges in the Allard Law School [Externship program](#) (16) was reduced to 11 (5 fall term, 6 spring) to ensure social distancing could be maintained. Although circuit court travel was limited to protect remote communities from risk of infection, interns were able to observe Judge Dwight Stewart's virtual Circuit Court sittings.



Working with government, the Court [introduced](#) a temporary, expedited [2-step process](#) for people whose income had decreased since January 2020 due to COVID-19 to apply to vary child or spousal support.

October 2020

As a follow-up to our October 2019 Media Workshop in Prince George, Courthouse Libraries BC presented a [webinar](#) on legal research for journalists. 35 journalists from across Canada attended while another 40 registrants had access to a recording.

November 2020

The Court presented two two-day virtual seminars on Judgment Writing for groups of judges in November 2020.

The eNews article, [What is the Rule of Law - and why does it matter?](#), posted on the Court's website earned praise internationally and at home.

For example, a tweet from Finland said,

"You are awesome on a day like this! We have to take care of the Rule of Law every single day. In every country. In every language."



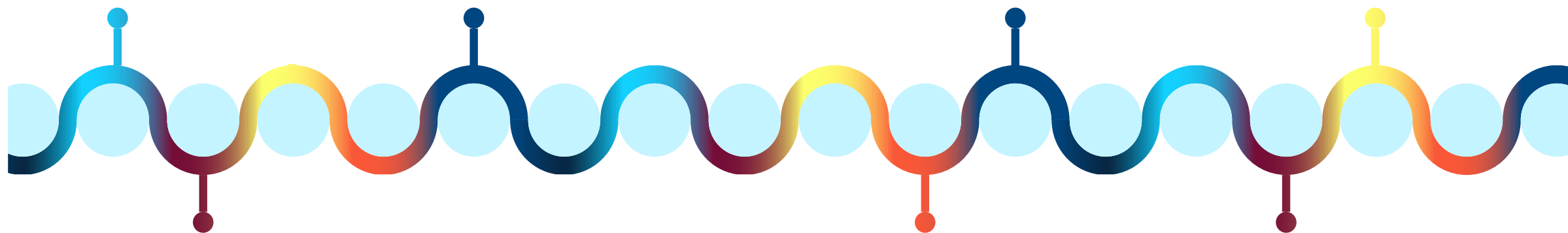
December 2020

The Williams Lake Indigenous Court sat for the first time on December 11, after a live-streamed virtual opening ceremony.

The “Early Resolution and Case Management” approach to family disputes and a free virtual mediation service were [launched in Surrey](#), thanks to prodigious collaborative work by government, lawyers and organizations.

The Court added [“Getting the most from your Small Claims Settlement Conference”](#), to its array of guides and information prepared by judges to help self-represented litigants.

The Court joined BC’s other courts in requesting that lawyers include [titles and pronouns](#) when making introductions in the courtroom.



Chief Judge Gillespie spoke remotely at the virtual opening of the Williams Lake Indigenous Court, December 11, 2020

The Court’s Criminal Law Committee began a virtual four-day Criminal Law Boot Camp attended by new judges a day at a time over four months.

The Family Law Committee prepared a series of seven webinars on new *Family Law Act Rules* to be presented bi- weekly from January through May 2021.

The Court published its [50th Anniversary - 2019/20 Annual Report](#) featuring infographics and a colourful, contemporary design.

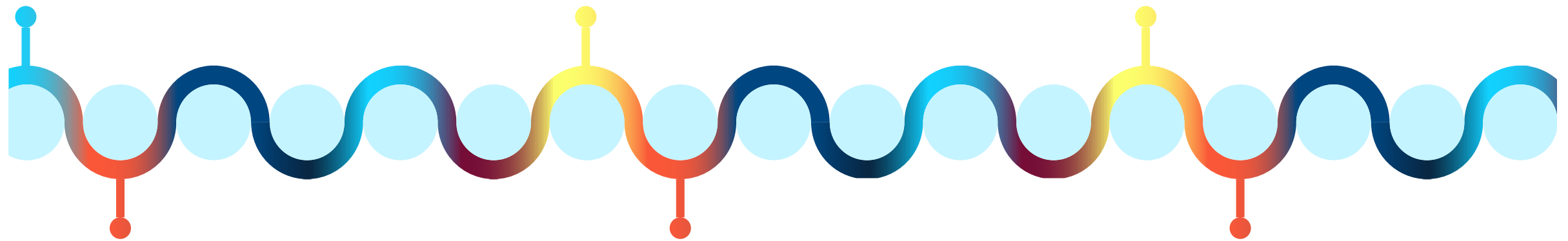
January 2021

The Court's eNews blog post, [Court jargon... what the alphabet soup means](#), explaining jargon and acronyms used in its courtrooms, proved very popular, receiving more than 1500 page views a month.

February 2021

The three BC courts worked with the Court Services Branch and public health officials to develop a detailed [protocol](#) for timely and coordinated communication about COVID-19 testing and exposures in courthouses.

Completed on time and on budget, a new "state-of-the-art" courthouse [opened in Abbotsford](#). The Court worked with the BC government to provide input on the building's design.



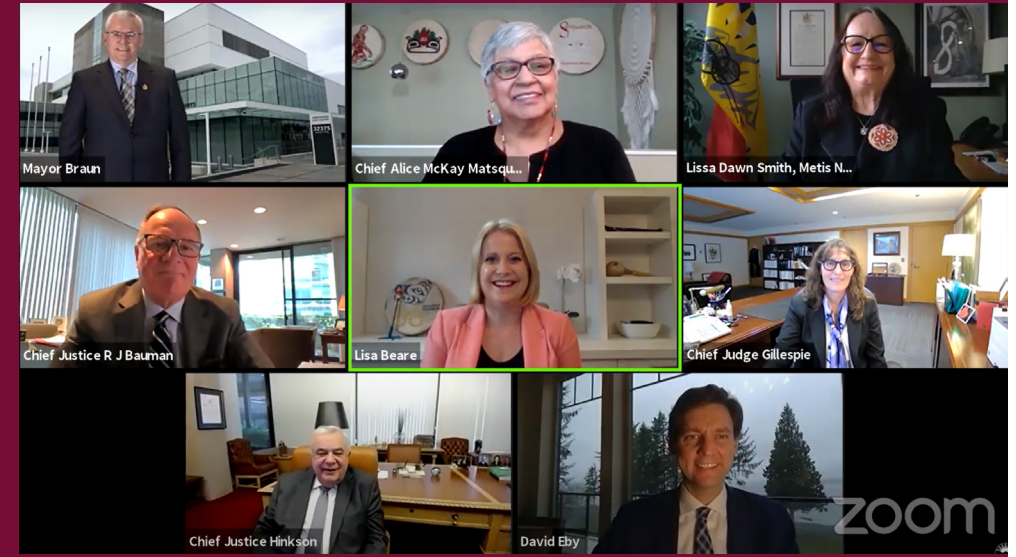


Judges visit Abbotsford Law Courts during construction



Abbotsford Law Courts

Photos: Heather Gillis (left)
Alvin Lau (centre & right)

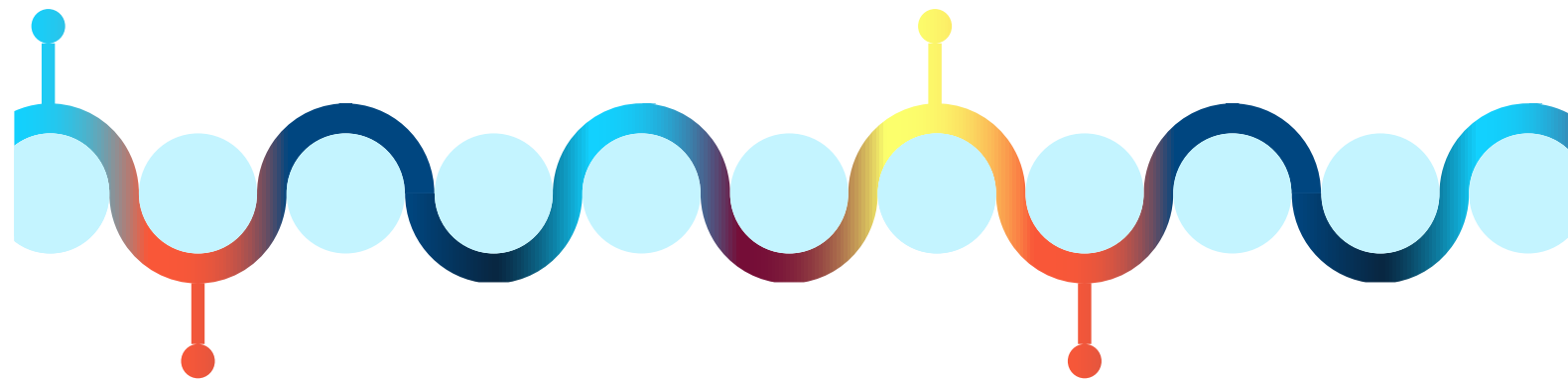


Virtual opening ceremony for the opening of the Abbotsford Law Courts February 4, 2021

March 2021

More than five years' work by Chief Judge Gillespie, former Chief Judge Crabtree, and retired judges in a Justice Education Society [project](#) to strengthen the criminal justice system in Guyana wrapped up with virtual seminars on court communications.

The Court [collaborated](#) with LegalListening.ca to record our most popular **eNews** articles as [podcasts](#), pairing two award-winning access to justice initiatives.



Preparations were completed to launch a [Northern Bail Project](#) in April to test a centralized bail hearing model with hearings in virtual courtrooms.



Pandemic Response

When courts around the world reduced operations in March 2020 to protect court users and staff from COVID-19, the Provincial Court of BC was determined that its response to the pandemic be timely, effective, and far-sighted. The Court's primary goals were to:


- keep its services as accessible as possible while minimizing transmission of COVID-19;
- develop technology and procedures to improve access to justice, both immediately and in the long term; and
- manage its caseload effectively to reduce delay for litigants and limit backlog.

Collaboration and communication

To meet these goals, Chief Judge Gillespie, the Associate Chief Judges, Regional Administrative Judges, and Office of the Chief Judge staff wrestled with a relentless torrent of issues. They considered and reconsidered details, tried new procedures, changed what didn't work well, learned from experience, and moved on, as circumstances and public health advice changed.

Chief Judge Gillespie made communication and collaboration - with the other BC courts, the Ministry of the Attorney General, Court Services Branch, provincial and federal prosecution services, defence counsel, family lawyers, Legal Aid, the Law Society, Canadian Bar Association, First Nations Justice Council, legal assistance and support NGOs, corrections services, law enforcement agencies, public health officials, courts across Canada, and other stakeholders - a constant and crucial aspect of the Court's pandemic response planning.

The Court took the lead to encourage cooperation from those affected by changing court operations by instituting telephone conferences (at first held daily) with justice stakeholders. The Chief Judge and Associate Chief Judges Dohm and Wishart established advisory committees including representatives of court users. By listening to these stakeholders, they built a collaborative, user-centred recovery plan while dealing with shifting day-to-day operations in a system under tremendous pressure to transform and ensure access to justice.



“From day one of COVID19 restrictions, Chief Judge Gillespie taught a master class in how to bring together disparate groups involved in making court work for the public we all serve.”

COVID-related Notices, Practice Directions and Announcements

The Court produced scores of Notices, Practice Directions, Announcements, and updates to inform the public, media, litigants, and lawyers about COVID-related changes in operations and procedures. Their variety and scope indicate the breadth of issues confronting the Court in 2020/21 and the intensity of the work required to deal with them.

- Current COVID-related [Announcements, Notices \(including NP 19\) and Practice Directions](#)
- Rescinded or expired COVID-related [Announcements, Notices \(including NP 19\) and Practice Directions](#)

The Court also kept people informed through plain language [eNews](#) articles, [tweets](#), and virtual speaking engagements.

“Just finished participating in the first @BCProvCourt live on record, court clerked proceeding using @Microsoft Teams. Move over sliced bread: your day has come and gone.

Great experience.”



Expanding use of video technology

When regular court operations were suspended on March 16, 2020, the Court resisted calls to immediately begin virtual hearings using unsecure online video-conferencing technology unable to interface with court records systems. Instead, it worked with government to [speed up work](#) already in process to adopt Microsoft Teams (MS Teams), a secure video conferencing platform that offers encrypted connection and Court-controlled access.

Until MS Teams was tested and rolled out with training for judges and court staff across BC, judges dealt with urgent hearings by telephone. In May 2020 they began to conduct conferences, remand lists, bail hearings, some sentencing hearings, and other appropriate hearings remotely using MS Teams. After in-person proceedings resumed in courthouses on June 8, MS teams continued to be used regularly by lawyers and litigants to make brief appearances and attend conferences, and by some witnesses testifying remotely.

The Court also worked with government and police agencies to start the process of installing equipment in detachments so bail hearings could be conducted by MS Teams where lack of equipment was a barrier. In addition, they collaborated on a [Northern Bail Project](#) to test a centralized model in which bail hearings take place in virtual courtrooms, beginning in April 2021.

Adopting this web-based video technology increased access to justice and allowed the Court to make efficient use of judges during the pandemic. Litigants and lawyers were able to make court appearances and attend conferences and hearings from their homes or offices. Conducting bail hearings virtually avoided displacing accused persons from their communities, saved them and sheriffs hours of travel to courts, and allowed judges in smaller communities to complete trials without interruption by bail hearings. Virtual conferences resolved many matters and reduced the issues needing a hearing.

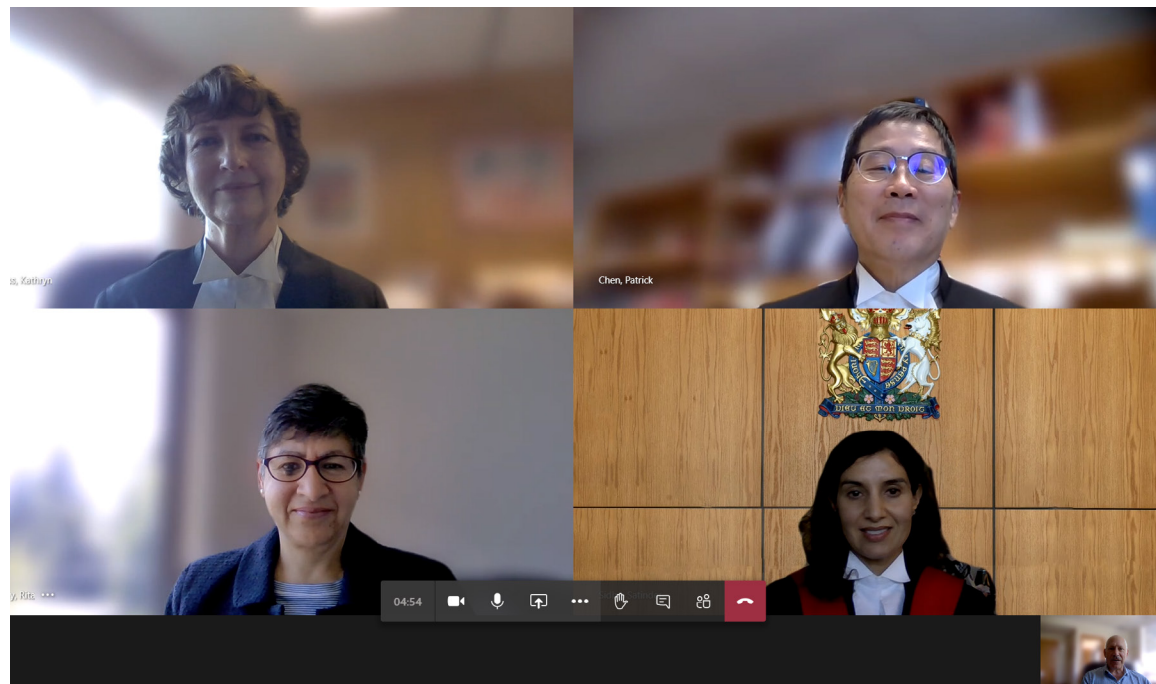
The experience gained with video technology during the pandemic will have lasting effects. Video conferencing can play an important part in improving access to justice, particularly in a province as large as BC, although it is not suitable for every type of case or every litigant. While continuing to explore possible uses of video technology, the Court recognizes the digital divide and the need for “the people’s court” to continue to serve those for whom high tech solutions may constitute a barrier.

Maintaining access to court

Although it suspended some operations in March, the Court immediately took steps to ensure urgent matters were heard without delay. Bail and sentencing hearings and urgent family, child protection, and small claims hearings initially proceeded by telephone while work was done to expand use of video technology.

Non-urgent matters were adjourned without parties having to appear in court. Filing of non-urgent applications was suspended to allow the reduced staff working in court registries to process urgent matters and respond to telephone enquiries. Judges sometimes worked remotely from a distant courthouse or from home, with court clerks connected by telephone.

Initially, “hub courts” were established to conduct virtual bail hearings, sentencings, and other urgent matters from a centralized location in each region, using courthouses equipped with safety measures and reducing the number of court staff needed.



Judges demonstrate what litigants see in a proceeding using MS Teams - the judge, other litigants, lawyers, witnesses, and themselves in the small box.



The Cowichan Valley First Nations Court moved to the Cowichan Community Centre in October 2020 to ensure physical distancing



Chief Judge Gillespie speaks at The Advocates' Society "Modern Advocacy Town Hall: British Columbia", January 28, 2021



Vicky Law



Janine Benedet



Chief Judge Gillespie



Cheryl D'Sa

Chief Judge Gillespie speaks on "Ethical Lawyering in a Pandemic" at the Allard School of Law, December 3, 2020

Other measures the Court adopted to maintain British Columbians' access to court services during the pandemic include:

- **Affidavits:** In addition to working with the Law Society of BC to permit filing of [affidavits sworn using video technology](#), in March 2020 the Chief Judge directed that [unsworn affidavits](#) could be filed in urgent family matters and sworn during hearings to ensure access to justice.
- **Alternate locations and hours for traffic court:** Maintaining physical distancing in high volume or small courtrooms was a challenge. Large numbers of people attend traffic court hearings at the same time. During the summer of 2020, [traffic court hearings](#) were held at courthouses during evenings and weekends and in large rooms offsite at schools and universities to provide sufficient space for participants.

The Court also worked with government to develop [an online tool](#) for people to explore information about traffic and other tickets using guided pathways and prepare it for launch in 2021.

- **Email filing:** Being able to file documents by [email](#) was a welcome convenience for both self-represented litigants and lawyers, and it reduced the number of people in courthouses. The Court was pleased that the Court Services Branch was able to accommodate this change as it requires court registry staff to copy and scan documents into electronic court files. Work continues towards the next step – eFiling.
- **Justice Centre:** In-person applications for search warrants and other judicial authorizations were [suspended](#) in April 2020 to reduce the number of people in courthouses. As a result, the Court's Justice Centre was deluged with faxed applications. (The Criminal Code does not permit emailed applications.) To cope with the volume and the additional time needed to process faxed documents, the Court increased the

complement of judicial justices assigned to the Centre and the Court Services Branch added staff and fax machines. The Court lent stored fax machines to some judicial justices able to work remotely to reduce the number of people at the Justice Centre. Once COVID-19 safety protocols were installed, most judicial justices resumed working at the Centre, since working remotely added to the faxing load.

- Despite the obstacles confronted by the Justice Centre it dealt with 24,803 applications during 2020/21 and was usually able to provide “same-day service”.
- **Maintaining open courts:** Recognizing the critical importance of the [open courts principle](#), including in the exceptional circumstances created by the pandemic, the Court took steps to ensure the public and media as much access as possible to court proceedings while protecting the health of everyone involved.

When in-person proceedings resumed, seats were available in courtrooms for members of the public and media, although capacity was limited by requirements for physical distancing. People were also able to request dial-in information to listen to some in-person and most virtual proceedings by telephone. And provisions were made for [accredited media](#) to obtain access to audio recordings of court proceedings.

- **Safety protocols:** Government’s risk assessment and installation of safety measures in courthouses around the province took some time, given the large number of courthouses in the province.



From left, Associate Chief Judge Dohm, Business Product Manager Longine Chung, Executive Director of Operations Ryan Mahar, Chief Judge Gillespie in a virtual Court Meeting June 2, 2021

Safety measures gradually installed in courthouses around BC included:

- enhanced inspection, cleaning, and disinfecting of all public spaces
- installation of plexiglass barriers, hand wash stations, and hand sanitizers
- increased signage to promote physical distancing
- reconfiguring some courtrooms and furniture to accommodate physical distancing
- health screening by sheriffs for people attending the courthouse
- policies regarding masks based on current public health recommendations

When in-person trials resumed, the Court instituted [triage procedures](#). Only lawyers and self-represented litigants attended court at 9:00 a.m. to confirm their readiness for trial. Witnesses and litigants with lawyers waited outside the courthouse (within a 30 minute distance) to attend when they received a telephone call. Lawyers and self represented parties were required to confirm that neither they nor their witnesses were experiencing COVID-19 symptoms or had travelled outside Canada in the last two weeks.

BC courts took the time necessary to open safe, accessible courtrooms and their efforts paid off. Beginning in June 2020, Provincial Court trials were able to proceed in-person with no courthouse closures due to COVID-19.

- **Virtual circuit court proceedings:** Matters in small communities served by travelling “circuit courts” were dealt with remotely by telephone and then video-conference where possible because the community wished to remain isolated, or because court facilities wouldn’t allow physical distancing. In-person proceedings gradually resumed as government was able to assess and equip circuit court locations with adequate safety measures.



The Kwadacha/TsayKeh Dene Circuit Court team convened in the Tsay Key Dene Learning Centre wearing masks designed by Kwawakawa/Tlingit artist Corrine Hunt, October 29, 2020.

Specialized Courts

Developed collaboratively to respond to the needs of local & Indigenous communities & mentally disordered & substance addicted offenders, our [specialized courts](#) modified procedures to carry on during the pandemic.

They include:

- 7 [Indigenous Sentencing Courts](#)
- Aboriginal Family Healing Court Conference in New Westminster
- Drug Treatment Court of Vancouver
- Vancouver Downtown Community Court
- Victoria Integrated Court
- Domestic Violence Court projects



Planned for 2021:

- 1 new Indigenous Court in Hazelton &
- 1 Integrated Court in Kelowna

The [Drug Treatment Court of Vancouver's](#) treatment team [moved very quickly](#) to retool its program delivery model from in-person sessions to virtual counselling and therapy. They lent tablet computers to participants who needed them and developed ways to reinstitute random urine screening and one-on-one counseling sessions safely.

Beginning on May 19, 2020, the Court conducted virtual hearings with participants and lawyers appearing by telephone or video. Court operations continued in a hybrid model of virtual and in-person appearances, with 37 participants undertaking court-supervised treatment as of March 31, 2021.



Although it moved temporarily to the “hub court” for the Vancouver region in the spring, the [Downtown Community Court](#) (DCC) continued to provide both remote and in-person support and services to clients, focusing on health, housing, financial assistance, COVID-19 information, and public safety. On resuming operation in its own location in June, it modified procedures to ensure physical distancing.

At times during the year many of DCC’s programs were suspended to avoid transmitting COVID-19. The Street Crew that usually performs community work service in the Downtown Eastside was less active than usual, but DCC’s Art Therapy program resumed operation in May 2020. And in January 2021, DCC began a new Dental Hygiene program. Supervised dental hygiene students from the University of BC provide information, referrals, and dental hygiene kits.

After in-person sittings of the [Victoria Integrated Court](#) (VIC) were suspended in March 2020, its clients appeared in regular criminal courts for several months, at first often by telephone and then, for those with access, by video. The designated VIC Crown and defence counsel continued to oversee and manage VIC files and arranged to have matters put before a judge with experience in VIC when possible.

In September, VIC resumed weekly sittings with in-person attendance only when necessary, due to courtroom space limitations. Some participants appear in person and some by video. Probation officers and bail supervisors not previously able to attend began to attend by video, a positive outcome of the Court’s use of MS Teams.

For more information about BC’s Indigenous Courts and specialized therapeutic courts, see [Specialized Courts](#) on the Provincial Court website.

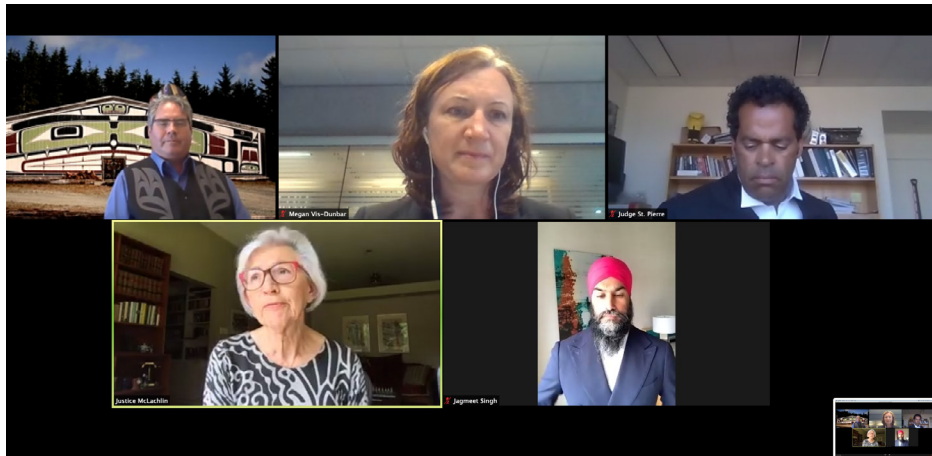
Reducing Delay

Many of these initiatives helped reduce delay at the same time they provided litigants access to the Court’s services. Other steps that limited the Court’s backlog of cases and reduced delay include:

- **Conferences:** Beginning in May 2020, the Court instituted [mandatory pre-trial conferences](#) for criminal matters, and directed that they, as well as small claims settlement conferences and family case conferences, be held by telephone or video-conference. These conferences served to identify cases that could be settled, shorten trials through admissions of undisputed facts, and determine whether parts of a trial could be completed virtually. Disposing of cases that didn’t require trials and scheduling trials efficiently shortened the delay experienced by parties and reduced the backlog created when cases were adjourned in the spring.
- **Judicial Case Managers:** Once courthouses were modified with COVID safety measures so that in-person hearings could resume, the Court’s Judicial Case Managers worked valiantly to fill available court time. As of July 6, previously scheduled trials and hearings were proceeding in most locations where the Court sits regularly. Rather than waiting for parties to reschedule adjourned matters, Judicial Case Managers worked proactively to fill available trial time by locating lawyers and litigants and offering them early trial dates in the summer and fall.
- **Early Resolution:** An [“Early Resolution and Case Management Model”](#) approach to resolving family disputes had been used in Victoria since May 2019. It makes trying to resolve disputes by agreement the first step in the court process. People are referred to assessment, mediation, and parenting education earlier in the process than under previous family court

rules. Experience in Victoria showed the approach can help families resolve their issues without going to court. When fewer cases are scheduled for court, hearings can be scheduled sooner for those who need them.

Plans to implement the Early Resolution model in Surrey and necessary *Provincial Court Family Rules amendments* were expedited to provide the benefits of this approach in BC's busiest family court, beginning in December 2020. At the same time, a [virtual mediation project](#) organized by Access Pro Bono BC was introduced. Certified lawyer/mediators volunteer their time to provide family mediation services using new video technology. It took impressive collaboration amongst the Court, Ministry of Justice, Family Justice Services, Legal Aid, and lawyers to launch Early Resolution and virtual mediation in Surrey in such a short time, helping families to resolve disputes and limiting the backlog in family cases.



Judges Alexander Wolf (upper left) and David St. Pierre (upper right) participated in Courthouse Libraries BC's August 13, 2020 webinar, "Race Issues in the BC Legal System"



Judge Shannon Keyes presided at the Prince George Indigenous Court graduation held outdoors, November 4, 2020

Judicial Officers

Chief Judge

The Honourable Melissa Gillespie is the Provincial Court's [Chief Judge](#), responsible for the Court's administration, head of the Court, and its official spokesperson. Her duties are set out in the [Provincial Court Act](#).

In addition to overseeing the Court's judicial officers (judges, judicial justices, justices of the peace, and judicial case managers), the Chief Judge 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](#).

Associate Chief Judges

In 2020/21 the Provincial Court's [Associate Chief Judges](#) were the Honourable Sue 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 2020/21 the following judges continued to serve as [Regional Administrative Judges](#):

- the Honourable Carmen Rogers (Vancouver Island)
- the Honourable John Milne (Vancouver)
- the Honourable Robert Hamilton (Fraser)
- the Honourable Marguerite Shaw (Interior)
- the Honourable Victor Galbraith (Northern)

The Court's website contains a [map](#) showing the five judicial regions.



Judge Michael Gray's outdoor retirement celebration included a vehicle parade, May 2020

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, applicants' demographics, 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 elect to hold office as a part-time judge in the Senior Judges' Program.

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 [Judges by Region](#) for a current list of judges.

During the pandemic, the Court's judges demonstrated energy, empathy, and flexibility as they rapidly learned to work remotely with challenging new technology. Photographs in this report show some of the ways judges adapted their other activities to "pandemic life".



Chief Judge Gillespie and judges marked the Court's first sitting day in the new Abbotsford courthouse on January 18, 2021.



Community Engagement

In 2020/21 BC Provincial Court Judges continued to engage actively with the legal and broader communities, often doing so remotely using video technology.

Judges sat on a variety of boards or organizations including:

- Access Pro Bono BC
- the Justice Education Society of BC
- the Law Foundation of BC
- Mediate BC
- the Restorative Justice Association of BC
- West Coast Family Centres

They delivered hundreds of virtual speaking engagements, including:

- to secondary school classes around BC
- at Justice Education Society programs for students
- to students in criminology and other courses at BC universities and Institutes of Technology
- to classes and law students' organizations at BC's three law schools
- to Elder College classes
- to victims' and community groups
- at law enforcement training programs

- at education programs for lawyers including for the Canadian Bar Association and its sub-sections, Trial Lawyers Association, Legal Aid Duty Counsel, Continuing Legal Education Society and Courthouse Libraries BC webinars
- at education programs for members of administrative tribunals
- at provincial and national judicial education conferences, including for federally-appointed judges

Their volunteer activities within the justice system also included:

- coaching and acting as judges in law school mock trials and moot courts
- teaching law school courses
- chairing court users' and other committees
- presiding at swearing-in ceremonies for a variety of councils, Vancouver Board of Trade, and police recruits

FREE WEBINAR March 10, 2021, 3:30 pm ET
Court Changes After the COVID-19 Pandemic and Indigenous Cultural Relevancy



Leah Fontaine, Lawyer



The Hon. Justice Brent G. Hoy



Scott Robertson, Lawyer

ciaj-icaj.ca

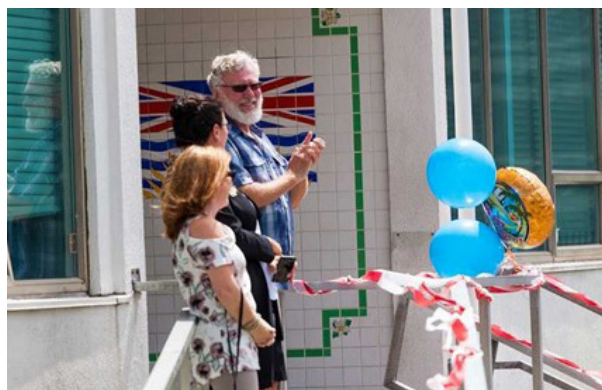
Judge Brent Hoy speaks at a Canadian Institute for the Administration of Justice webinar

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.

During the pandemic BC's judicial justices and the staff who support them worked tirelessly to fulfil their responsibilities, innovating and adapting where required, to keep courts accessible while ensuring the health and safety of court users. Find a current [list](#) of judicial justices on the Court's website.

The Court has two administrative judicial justices. Administrative Judicial Justice Gerry Hayes is responsible for criminal matters at the Justice Centre, which coped impressively with a staggering increase in workload in 2020/21. Administrative Judicial Justice Lori Plater is responsible for the Traffic Division, which sat in alternate locations and at alternate times during the summer to minimize the backlog of traffic, ticket and bylaw hearings.



Judge Douglas Cowling's outdoor retirement celebration in July 2020 also included a vehicle parade.

"Today was my first day back in traffic court since March 16, 2020. @BCPRovCourt, @BCSheriffs and all maintenance staff are doing an excellent job of ensuring #SocialDistancing and facility cleaning to help prevent the spread of #COVID19"



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. In 2020, these hearings were suspended in March but resumed in May. The Court's four justice of the peace adjudicators are listed on the Court's [website](#).

"I am loving scheduling things by email, and the JCMs are so responsive and helpful."



Judicial Case Managers

Judicial case managers (JCMs) are justices of the peace who exercise judicial discretion and authority within their assigned duties. In the Province's seven busiest courthouses, they preside in Assignment Courts as well as in Initial Appearances Courts. As of March 31, 2021, there were 35 full-time and 10 part-time JCMs, as well as 10 auxiliary JCMs.

Responsible for providing effective, efficient court scheduling and coordination of matters within a judicial region, judicial case managers played a crucial role in ensuring urgent matters were heard promptly and adjourned matters were re-scheduled efficiently after some court operations were suspended in the spring of 2020. Working remotely, they did an extraordinary job of managing the flow of Provincial Court appearances in rapidly changing circumstances.

When in-person initial hearings resumed after the temporary suspension, judicial case managers presided over very long lists of previously adjourned matters in initial appearance courts. While learning to navigate MS Teams they kept virtual courtrooms running efficiently to ensure people appearing in person spent as little time in courthouses as possible. They worked tirelessly with both Crown and defence lawyers as well as self represented litigants to manage all matters effectively and avoid unnecessary court appearances.

In addition, judicial case managers are an important source of information about court scheduling for litigants, lawyers, sheriffs, and court staff. During the pandemic they continued to support and provide clarification for stakeholders about changing procedures.

Judicial Education

The pandemic challenged the Court to replace its interactive in-person judicial education conferences and workshops with equally engaging virtual programs.

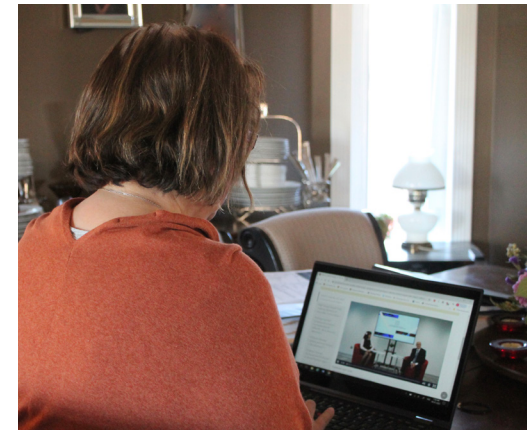
Judges

Newly appointed judges continued to shadow colleagues during an initial orientation period of two to three weeks, sometimes observing court proceedings remotely. Informal mentoring by more senior judges often took place by telephone. When the two programs on criminal law and judicial skills usually offered to new Provincial Court judges from across Canada were cancelled, the Court produced virtual workshops on judgment writing and began preparing a program on conducting sexual offence trials for new judges.

The Court usually presents five days of judicial education annually through spring and fall conferences all judges attend. The in-person conference scheduled for May 2020 was cancelled in accordance with public health advice. But the Court's Education Committee re-focused and presented a successful virtual conference in December 2020. It included updates in family and criminal law and sessions on judicial skills in small claims and virtual hearings. Maria Shepherd gave an inspiring keynote address on her experience as a wrongfully convicted person, and hearing from a 17 year old increased the impact of a session on children's access to justice.

Although an in-person Family Law Boot Camp for new judges was cancelled to be replaced by virtual versions in 2021, a series of seven webinars on new *Family Law Act Rules* and forms was presented bi-weekly from January through May 2021. The Criminal Law Committee was able to present its four-day Criminal Law Boot Camp workshop on bail, trial and sentencing issues, including Gladue principles, virtually.

To supplement these programs, judges also used scheduled education leave to attend [online education programs](#), particularly while court operations were reduced in the spring of 2020. In addition, judges continued to take advantage of the online educational resources available from the National Judicial Institute and other sources.



Judge Stella Frame participated in [virtual judicial education programs](#) in May 2020

Judicial Justices

The Court's education for judicial justices includes structured presentations at spring and fall conferences, self-directed attendance at online courses and webinars, and training for newly appointed judicial justices.

The usual in-person conferences did not take place in 2020/21 but judicial justices participated in a virtual fall conference as well as in online webinars on topics including virtual bail hearings, culturally competent adjudication, search warrant drafting and review, tech crime and e-evidence, delivering oral judgments, and training in MS Teams and the Court's recording system.

Newly appointed judicial justices with varied legal backgrounds have different educational needs. They are provided with relevant online training materials and are assigned mentors to shadow during an orientation period.

During the pandemic, judicial justices continued to conduct independent legal research on current issues and monitor developing case law. Their practice of distributing their findings to all judicial justices proved particularly useful when other forms of education were limited by the pandemic.



Regional Administrative Judge Carmen Rogers speaks to the Canadian Bar Association's Criminal Law sub-section, in April 2020

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.

Swearing-in ceremonies for new judicial officers are traditionally held at the OCJ as private ceremonies for the appointees and their families and close friends.

When the [Judicial Council of British Columbia](#) holds in-person meetings they take place at the OCJ.

For more information on the Court's governance, committees, and the functions of the Office of the Chief Judge, see [Governance](#) on the Court's website.

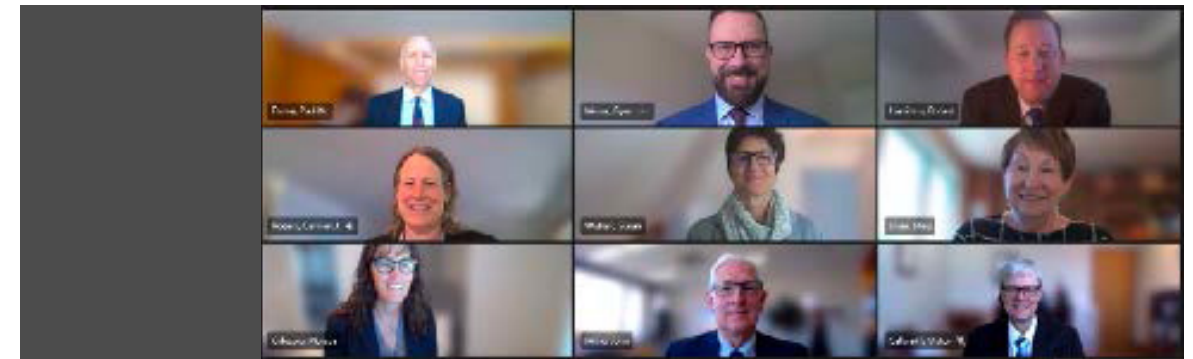
Governance

The Chief Judge is responsible for the 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. Under the direction of the Chief Judge, the OCJ is also responsible for engaging with government agencies, media, individuals, and organizations wishing 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. For the composition and responsibilities of these committees, see [Governance](#) on the Court's website.

Judicial Administration Committee

The Judicial Administration Committee (JAC) is composed of the Chief Judge, Associate Chief Judges (ACJs), Regional Administrative Judges (RAJs), and the Executive Director of Organizational Services, Mr. Ryan Mahar. This committee, in particular, played a pivotal role in the Court's pandemic response. All its meetings were held virtually during 2020/21. When the Court shifted from a hard-wired video conferencing system to the web-based Microsoft Teams platform, committee members were able to attend from any courthouse in the province.



From the top left: ACJ Dohm, Ryan Mahar, RAJ Hamilton, RAJ Rogers, ACJ Wishart, RAJ Shaw, Chief Judge Gillespie, RAJ Milne, and RAJ Galbraith

JAC met twice a week through much of the pandemic to deal not only with the immediate decisions needed to keep court functioning effectively and safely, but with longer term planning to resume and improve operations. Late in 2020 it was able to return to its usual schedule of meeting every two weeks. Although the JAC has not been able to meet in person since February 2020, it held its usual quarterly full day meetings virtually.

Standing guests were added to JAC to assist with pandemic response issues. They included Judge Bonnie Craig, President of the BC Provincial Court Judges' Association, and the Court's Legal Officers, Ms. Caroline Berkeley and Ms. Karen Leung.

Important Court administrative and legal work is also undertaken by the Court's Legal Officers and by judges and judicial justices who volunteer to sit on working groups and other committees.

Law Committees

The committees of judges established to assist the Chief Judge in three areas of law provided invaluable advice on modifying procedures during the pandemic. These committees also showed their flexibility and creativity in converting planned education programs from in-person to virtual delivery.

The Criminal Law Committee's activities in 2020/21 included providing judges with regular updates on new case law and assisting the OCJ in developing protocols and directives in response to COVID-19 issues. The Committee also planned and presented a four-day virtual Boot Camp on bail, trial, and sentencing issues, including Gladue principles.

The Family Law Committee was particularly busy preparing for implementation of the new [Provincial Court Family Rules](#) on May 17, 2021 ([B.C. Reg. 120/2020](#) O.C. 287/2020). Its work included advising on new procedures and

preparing information for judges, lawyers, and the public on the new *Rules*, which are summarized [here](#). It also redrafted the [picklists](#) of standard wording for family court orders to facilitate the early implementation of the new *Rules* in Surrey and Victoria.

In addition, the Family Law Committee advised the Court on family law issues, including procedures for urgent matters during the period when in-person hearings were suspended. Committee members provided judges with updates on case law about COVID-related family law issues. And when its in-person Family Law Boot Camp for judges was cancelled due to COVID-19, the Committee updated the written materials and worked on a virtual version to be presented in 2021.

The Civil Law Committee presented a session on issues in small claims cases at the Court's virtual education conference in November 2020, contributed to the development of the [settlement conference guide](#) for litigants, and provided notes to update the Justice Education Society's small claims videos. A Working Group worked on modernizing the [Small Claims Rules](#) to enhance the ability of the Court to conduct hearings and conferences by audio-or video-conference, facilitate the emailing of some court documents, and support remote attendance by parties and witnesses where appropriate. The Small Claims Rules were amended on August 16, 2021 in [B.C. Reg. 191/2021](#) (OIC 443/2021), and a summary of those amendments can be found [here](#).

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, 2021, there were 124 full-time judges (FT), 26 senior judges, and one judge sitting part-time in the Provincial Court. This equates to a complement of 136.03.

During the 2020/21 fiscal year:

- 8 judges were appointed;
- 3 senior judges were re-appointed for one-year terms under [s. 6\(1\)\(b\) of the Provincial Court Act²](#);
- 6 judges retired³; and
- 7 judges elected to participate in the Senior Judges' Program⁴.

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. These one-year re-appointments assist the Court to deal with short-term needs such as judges' illnesses.
3. One senior judge retired and was re-appointed for an additional one-year term, so appears in both lists below.
4. This program allows judges 55 years or older with at least 10 years' service to continue sitting on a part-time basis.

Figure 1 Judges Appointed in 2020/21

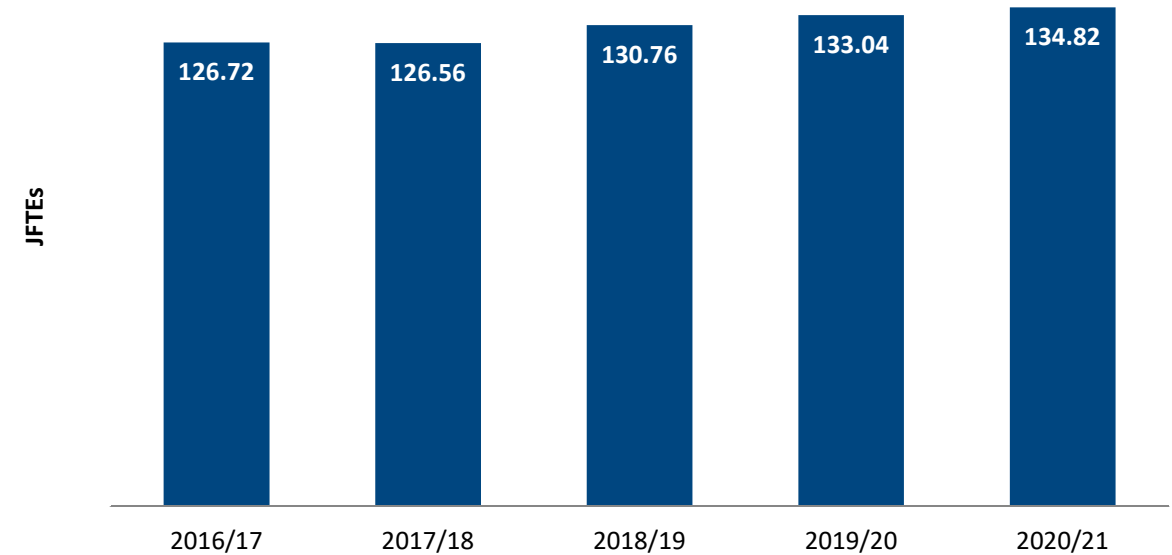
Judge	Judicial Region	Date
Judge Sacca	Vancouver Island	08-Apr-20
Judge Miller (re-appointed)	OCJ	21-Jul-20
Judge Gove (re-appointed)	OCJ	21-Jul-20
Judge Cartwright (re-appointed)	OCJ	21-Jul-20
Judge Golinsky	Northern	10-Aug-20
Judge Fleck	Northern	10-Aug-20
Judge Bernt	Northern	10-Aug-20
Judge Davis	Fraser	11-Jan-21
Judge Duncan	Fraser	11-Jan-21
Judge Reeves	Northern	01-Feb-21
Judge Vandor	Vancouver	01-Feb-21

Figure 2 Judges Retiring in 2020/21

Judge	Judicial Region	Date
Judge Gray	Northern	08-Apr-20
Judge Miller	OCJ	21-Jul-20
Judge Takahashi	Interior	21-Jul-20
Judge Cowling	Vancouver Island	21-Jul-20
Judge Blake	Vancouver Island	10-Aug-20
Judge Dyer	Vancouver	10-Aug-20

Changes to the Provincial Court’s complement are reported every month in a [Judicial Complement Report](#) on the Court’s website. 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 2020/21 was 134.82. This is the largest average complement seen during the last five fiscal years, largely due to an increase in the number of courtrooms at the Surrey, Abbotsford, and Fort St. John court-houses.

Figure 3 Average Judicial Complement 2016/17 - 2020/21

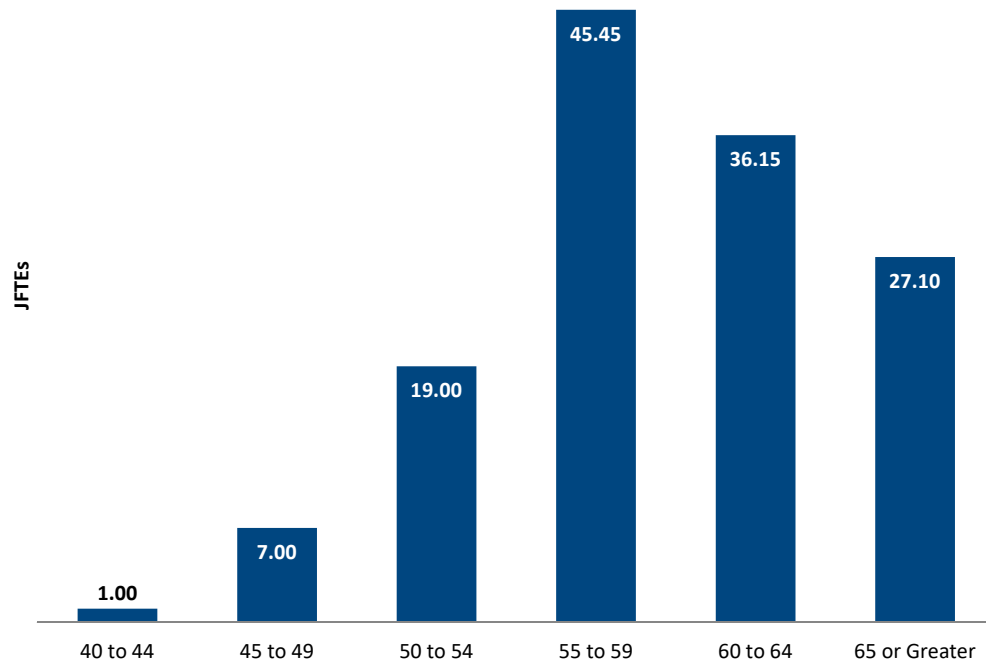


Demographics of Judges

Age

As of March 31, 2021, most Provincial Court judges were between the ages of 50 and 64, with an overall average and median age of 61 years – a slight increase compared to the previous three years. Figure 4 shows the JFTE⁵ by age category.

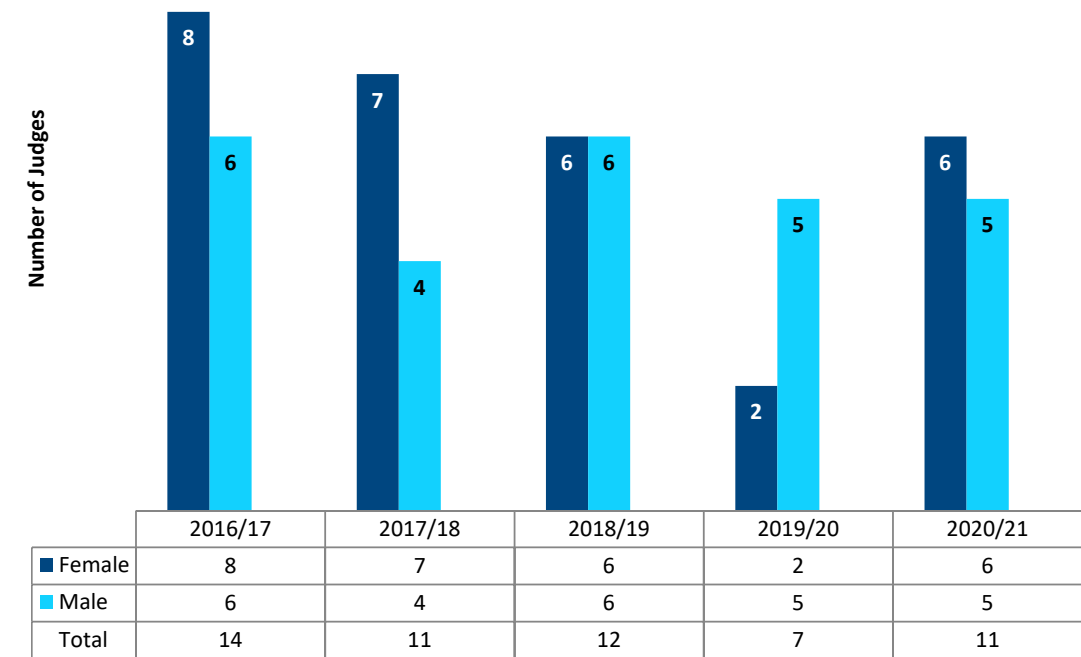
Figure 4 JFTE by Age Category



Gender

Of the 55 judges appointed during the past five fiscal years, just over half (29) have been women.

Figure 5 Judges by Gender and Year of Appointment



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

The number of active⁶ male judges is slightly higher than the number of active female judges in the Provincial Court. As of March 31, 2021, there was 1.2 active male judge for every active female judge.

Figure 6 Percentage of Judges by Gender and Status⁷

Gender	Full-Time		Senior		JFTE	
	#	%	#	%	#	%
Male	64	51.6%	17	65.4%	71.65	52.8%
Female	60	48.4%	9	34.6%	64.05	47.2%

A greater proportion of active male judges currently sit as seniors (21% vs. 13% of active female judges). The average female Provincial Court judge is 59.9 years of age, whereas the average male judge is 61.⁸

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

6. The term “active” excludes judges on long term disability.
 7. The number of judges is as at March 31, 2021. The (female) part-time judge is not included in this table.
 8. Age is measured as at March 31, 2021.
 9. This does not include 3 judicial justices on LTD.

Complement of Judicial Justices

There were 33 full- and part-time judicial justices as of March 31, 2021. Three new judicial justices were appointed to serve part-time and three were re-appointed.

Figure 7 Judicial Justices Appointed in 2020/21

Judicial Justice	Date
JJ Adair (re-appointed)	29-May-20
JJ Campbell	5-Jun-20
JJ Roberts (re-appointed)	5-Jun-20
JJ Mayner (re-appointed)	26-Aug-20
JJ Kinahan	21-Sep-20
JJ-Swift	21-Dec-20

Demographics of Judicial Justices

Figure 8 outlines the complement and gender of judicial justices (JJs) as of March 31, 2021, including five full-time and 28 who work in a part-time (ad hoc or per diem) capacity. Of the total complement of 33, there are 17 male and 16 female judicial justices.

Figure 8 Percentage of Judicial Justices by Gender and Status, 2020/21

Gender	Full-Time		Part-Time	
	#	%	#	%
Female	1	20%	15	53.6%
Male	4	80%	13	46.4%



Chief Judge Gillespie & Chief Sheriff Paul Corrado meet on February 4, 2021 - the first in-person meeting at the Office of the Chief Judge in months

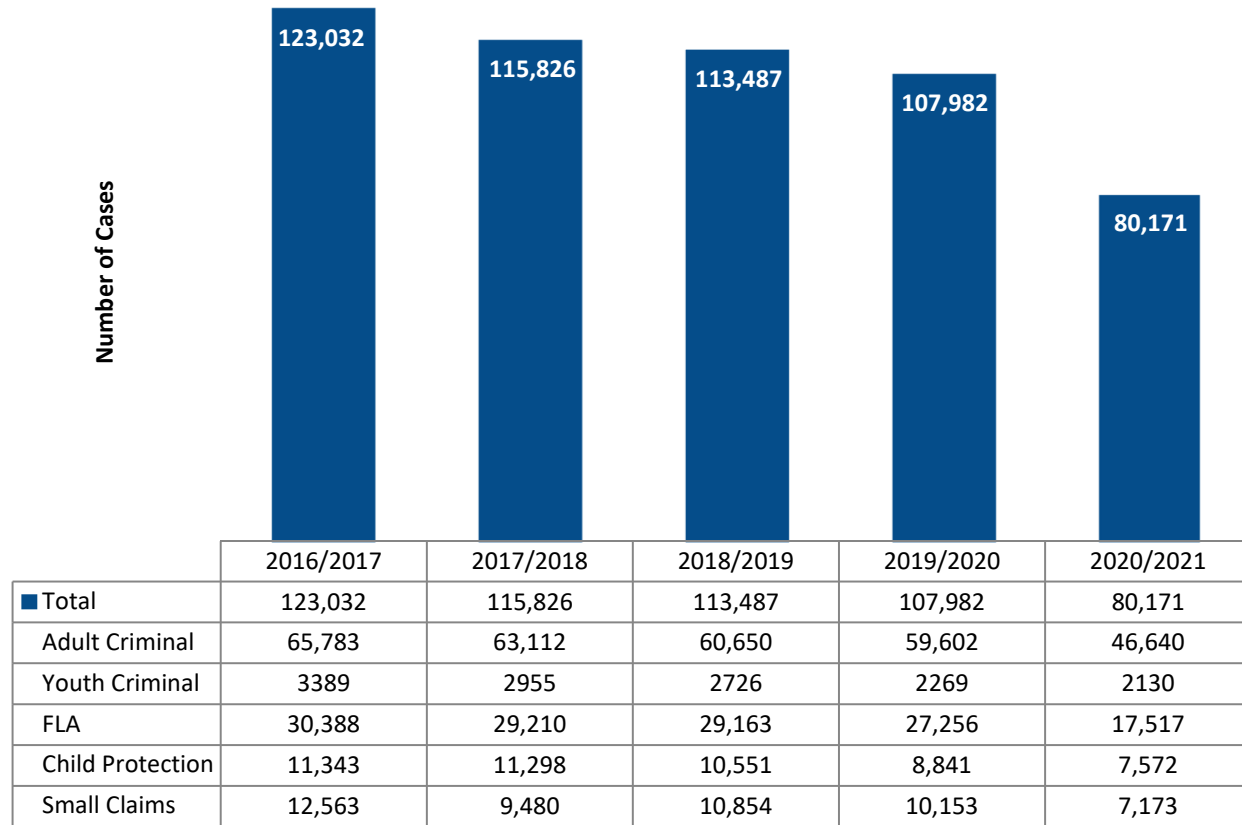
The Court's Caseload

New Cases by Division

Excluding traffic and bylaw matters usually dealt with by judicial justices, there were 80,171 cases initiated in the Provincial Court of British Columbia in 2020/21. This represents a decrease of 26% from 2019/20. Figure 9 below shows Provincial Court case-loads over the last five years.

Caseload volumes in all divisions declined between 2016/17 and 2020/21. All divisions are at the lowest point over the past five years. However, all 2020/21 results should be interpreted with caution due to the temporary suspension of some court operations during the COVID-19 pandemic.

Figure 9 New Cases by Division, 2016/17 - 2020/21



- 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.

Criminal

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 2020/21 youth criminal caseload is 57% lower than 2016/17. However, the 2020/21 results should be interpreted with caution due to temporary suspension of some court operations during the COVID-19 pandemic.

Family

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 2020/21 the caseload for both CFCSA and FLA decreased, reaching a five-year low. Compared to 2016/17, the number of CFCSA cases decreased by 33% and the number of FLA cases decreased by 42%. These numbers should also be interpreted with caution.

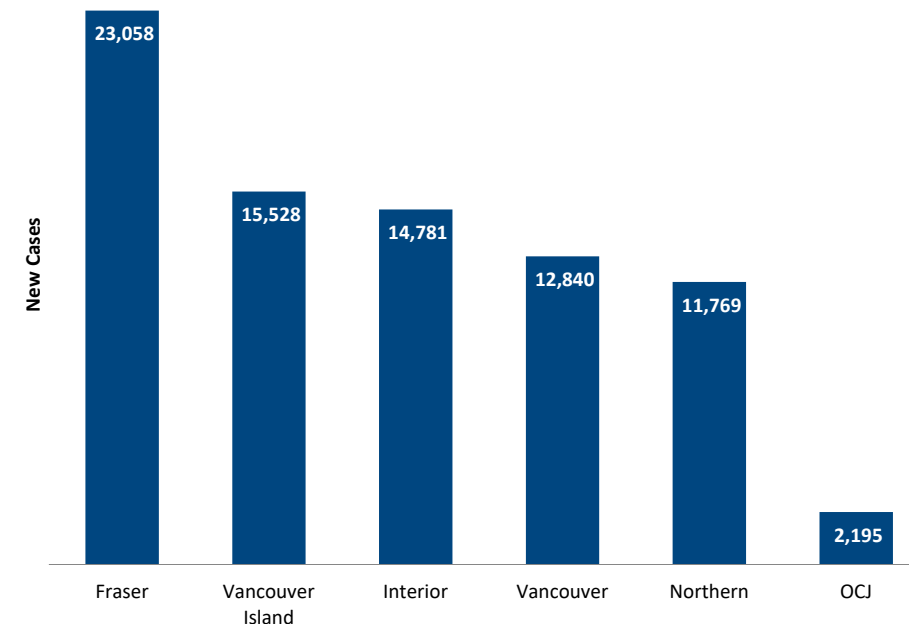
Small Claims

New small claims cases have decreased 43% since 2016/17. During that period, the Civil Resolution Tribunal (CRT) assumed jurisdiction over civil cases up to \$5000.00 in 2017 and over “minor injury” claims arising from motor vehicle incidents in 2019. These changes in the Court’s jurisdiction likely contributed to the decrease in small claims cases. Moreover, the 2020/21 numbers should be interpreted with caution due to the temporary suspension of some court operations during COVID-19 pandemic.

New Cases by Region

The Fraser region continued to have the highest new caseload in 2020/21, while the small remote locations administered directly by the Office of the Chief Judge (OCJ) had the lowest.

Figure 10 New Cases by Region

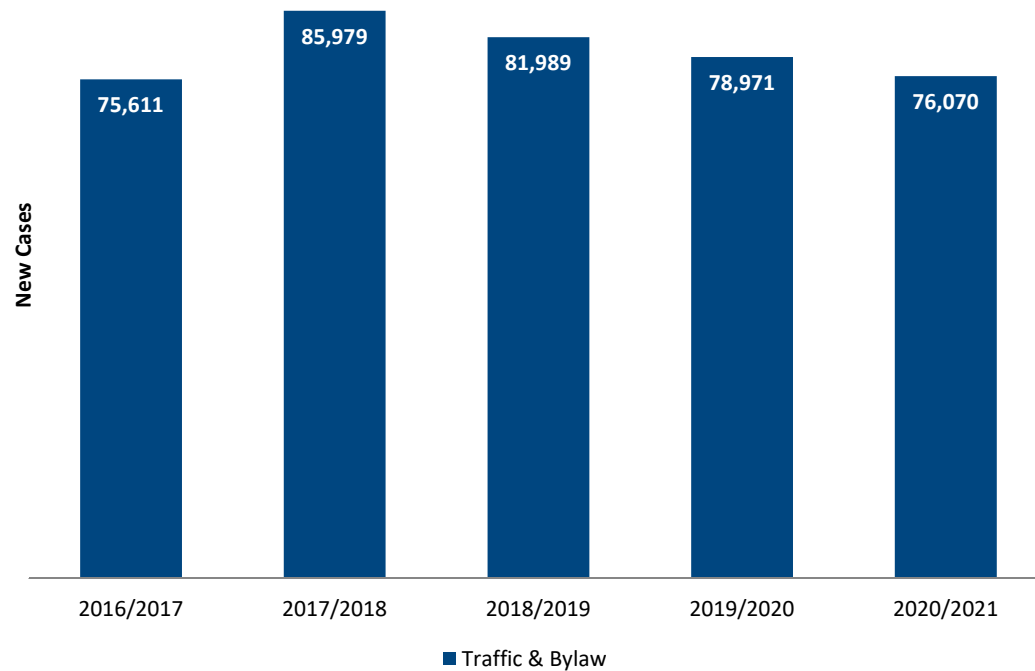


The regional distribution of new cases filed has been relatively stable over the past five fiscal years - varying by 1-2% at most. However, the 2020/21 numbers should be interpreted with caution due to the temporary suspension of some court operations during the COVID-19 pandemic.

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 2020/21 there were 76,070 new traffic and bylaw cases, down 4% from last year.

Figure 11 New Traffic and Bylaw Cases, 2016/17 - 2020/21



The Justice Centre

The Provincial Court operates a [Justice Centre](#) in Burnaby to provide access to judicial justices from anywhere in British Columbia.

Using telephone and sophisticated video conferencing methods, judicial justices at the Centre preside over bail hearings seven days a week from 8:00 a.m. to 11:00 p.m. Judicial justices also consider informations to obtain federal and provincial search warrants and applications for production orders 24 hours a day, seven-days-a-week.

Approximately 23 judicial justices work through the Justice Centre, either on site or remotely. In 2020/21 they considered 24,803 applications for search warrants and production orders and conducted 17,682 bail hearings.

Remote Appearances

With the onset of the pandemic, the Court experienced a substantial shift not only in the volume of remote appearances, but in the types of appearances enabled by technology. Until 2020/21 remote appearances in Provincial Court made use of telephone or hard-wired video equipment. As described previously, Microsoft Teams audio- and video-conferencing were added to the Court’s capacity for technology-enabled proceedings this year.

With the increase in remote court attendance during the pandemic, the Court Services Branch expanded its definition of "technology-enabled appearances". The new definition reads:

a “technology-enabled appearance” is when at least one of the participants at an appearance attended by Telephone, Videoconference, Microsoft Teams Audio, or Microsoft Teams Video. Participants include all parties attending the appearance and the Adjudicator. Participants do not include witness and expert testimony. Technology-enabled appearances DO NOT include appearances adjourned solely due to COVID. Effective June 2020, MS Teams was deployed to the suite of virtual technology tools.



In this section of the report, we provide statistics collected by the Court Services Branch and use its terminology to avoid using different language to refer to the same data.

Numbers

Excluding traffic and bylaw matters, approximately 77% of all Provincial Court appearances were technology-enabled (had at least one participant appearing remotely) in 2020/21. Although participants could choose to attend in-person, the Court strongly encouraged remote appearances to safeguard everyone’s health. As of March 31, 2021, all settlement conferences, family case conferences, and the majority of criminal bail hearings were held virtually. Some appearances in a variety of other types of proceedings were also made remotely.

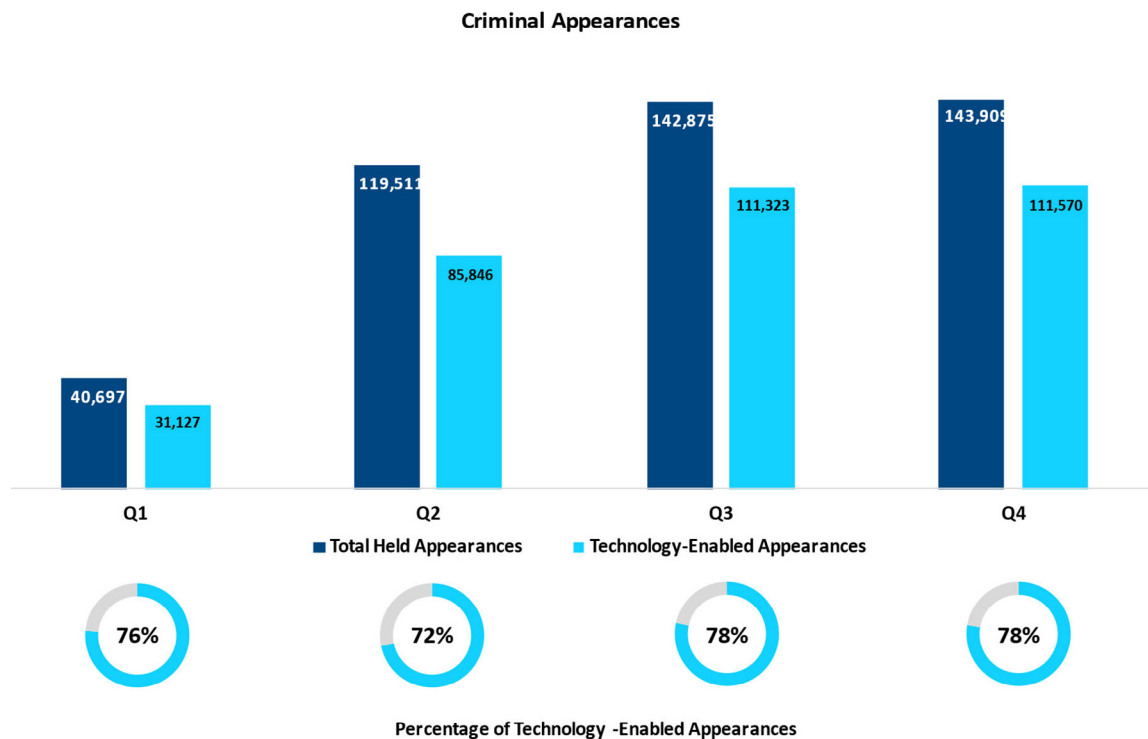
Figure 12 shows the numbers of appearances in all Provincial Court matters other than traffic, ticket and bylaw matters in which at least one party appeared remotely, and their percentage of the total appearances in each type of case.

Figure 12 Percentage of Technology-Enabled Appearances in Criminal, Family, and Small Claims Matters

Technology-Enabled Appearances in Fiscal Year 2020/21			
Division	Total Appearances Held	Technology-Enabled Appearances	% Tech-Enabled Appearances
Criminal	446,992	339,866	76%
Family	42,858	36,791	86%
Small Claims	11,333	8,473	75%
Total	501,183	385,130	77%

Figure 13 provides a quarterly break down showing the number and percentage of appearances in criminal matters in which at least one party appeared remotely.

Figure 13 Percentage of Technology-Enabled Appearances in Criminal Matters by Quarter



Q1 = Apr-Jun 2020 Q2 = Jul-Sep 2020 Q3 = Oct-Dec 2020 Q4 = Jan-Mar 2021

Figure 14 shows the number and percentage of appearances in family matters in which at least one party appeared remotely, broken down by quarter. The high percentage in the first quarter reflects the period in which non-urgent matters were adjourned and most urgent applications were heard by telephone.

Figure 14 Percentage of Technology-Enabled Appearances in Family Matters by Quarter

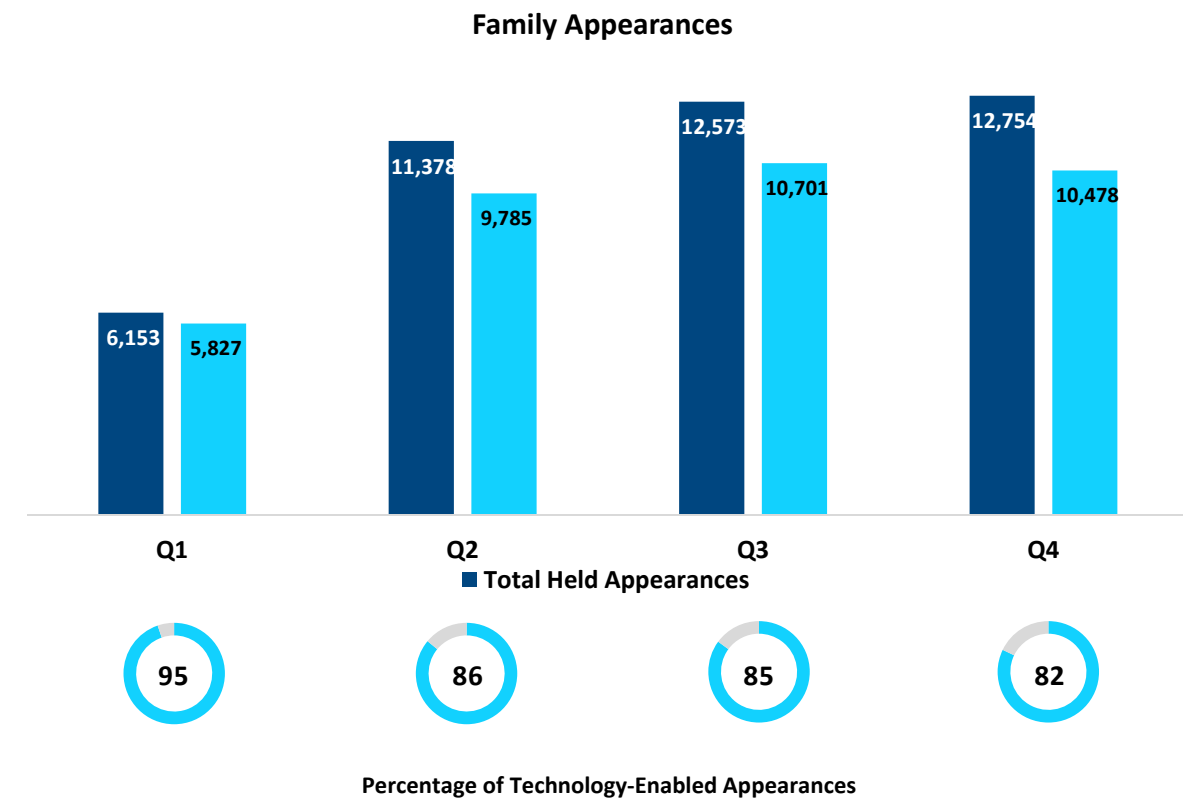
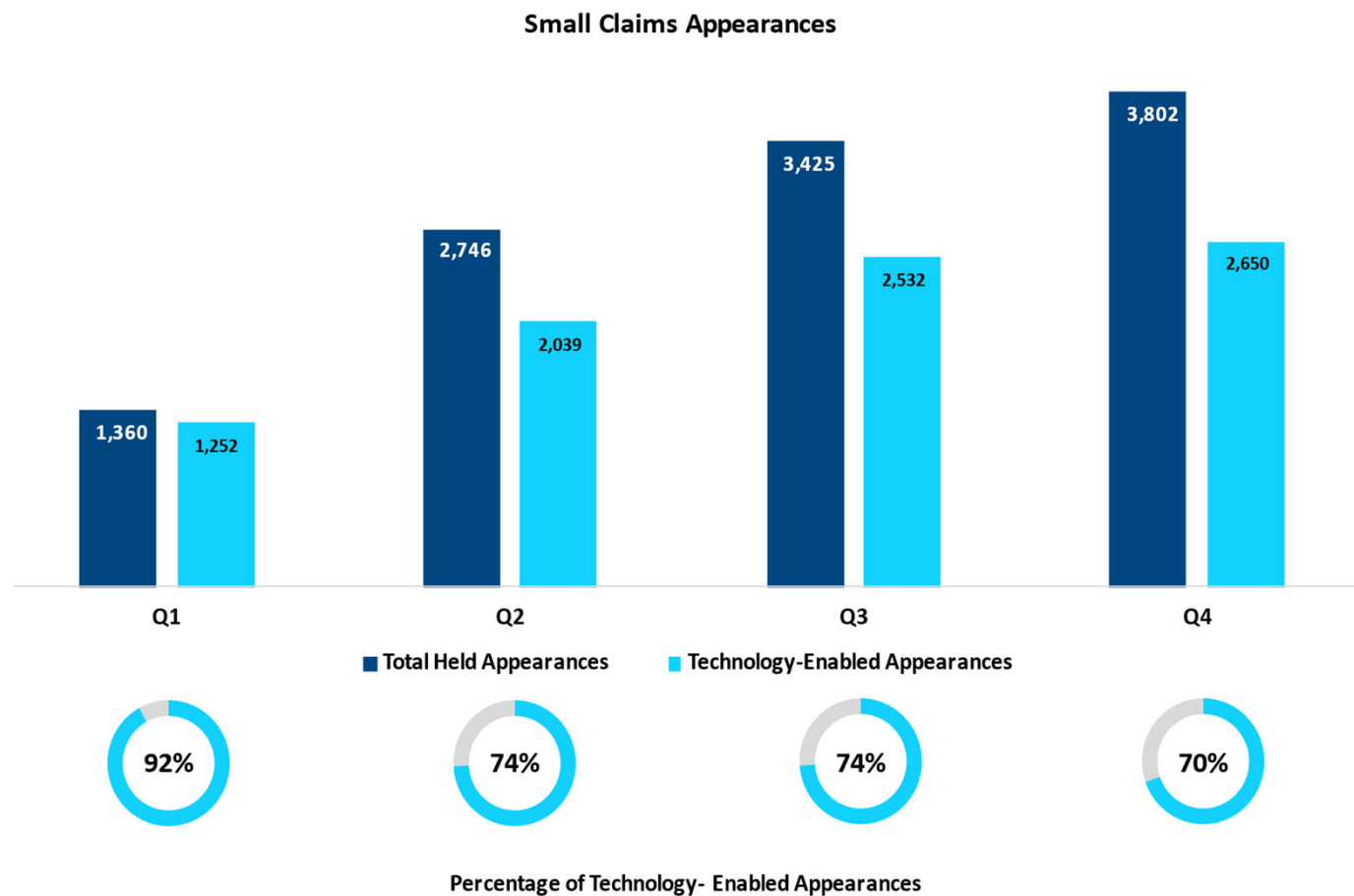


Figure 15 provides a quarterly break down showing the number and percentage of appearances in small claims matters in which at least one party appeared remotely. Again, the high percentage in the first quarter reflects the period in which non-urgent matters were adjourned and most urgent applications were heard by telephone.

Figure 15 Percentage of Technology-Enabled Appearances in Small Claims Matters by Quarter



“I’ve attended a number of urgent telephone hearings, and the judges have been patient, flexible, kind with stressed parties, and have made amazing efforts to make sure everyone is heard.”

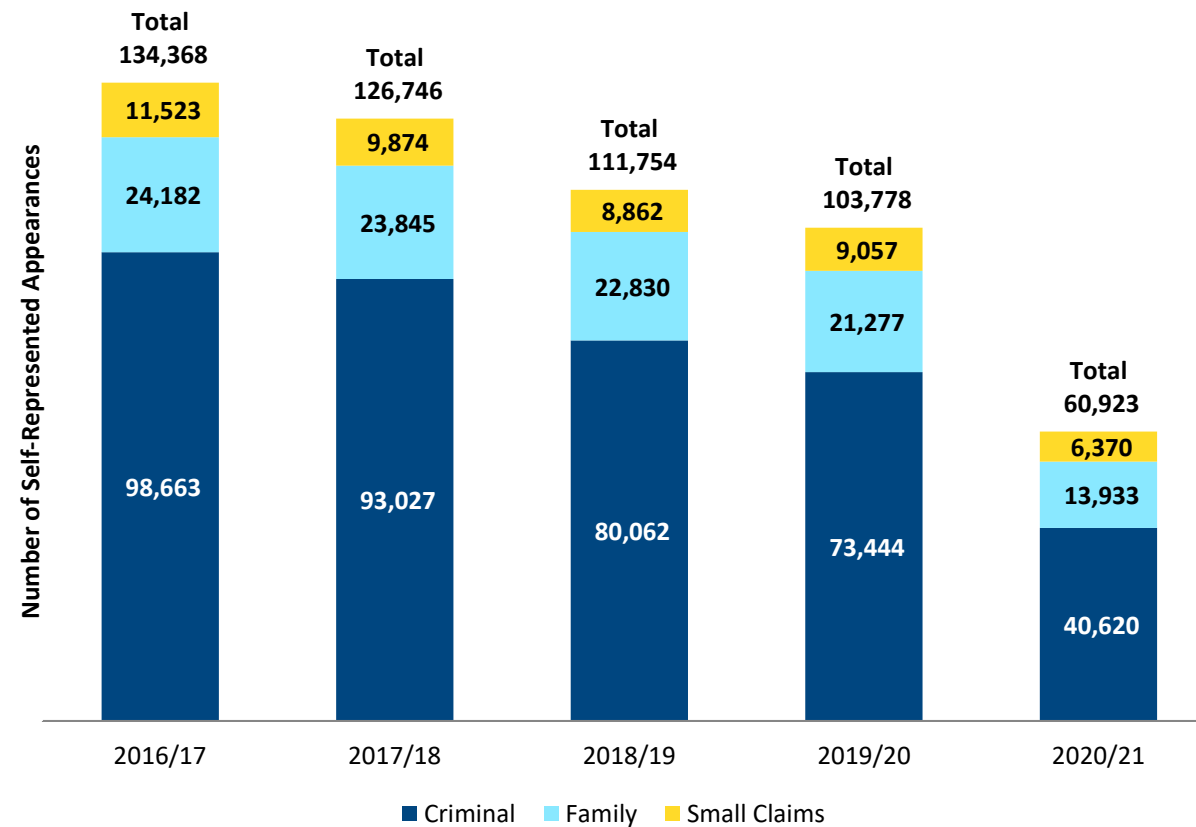


Self-Represented Litigants

The Court oversaw a total of 60,923 self-represented appearances in 2020/21,¹² representing a 41% decrease compared to last year. This sharp decrease is explained by the reduced number of court appearances from April to July of 2021. The overall rate of self-representation is similar to the rate in previous years but continues to decline and is currently at its lowest point in five years.

Figure 16 shows the number of self-represented appearances by division (criminal, family, or small claims) over the past five fiscal years.¹³

Figure 16 Number of Self-Represented Appearances by Division, 2016/17 - 2020/21

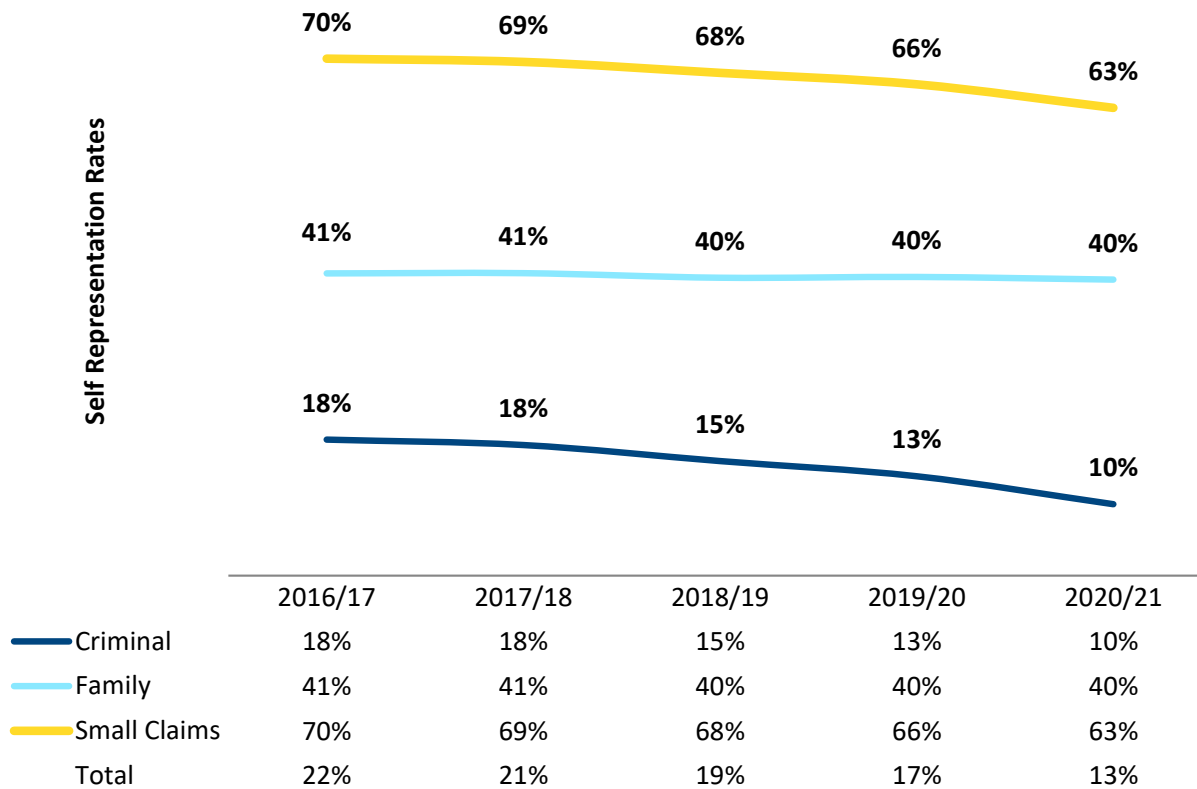


12. A self-represented appearance is when the accused is recorded as appearing in court with no counsel or agent present. Data Source: Criminal BI Database. Data are preliminary and subject to change. This analysis counts only appearances that took place, excluding cases that have been adjourned or cancelled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

13. 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 17 shows the self-representation rate for each division over time.

Figure 17 Rate of Self-Represented Appearances by Division, 2016/17 - 2020/21



Judge James Sutherland spoke at several Courthouse Libraries BC webinars, including “Ethics in Criminal Practice”, May 1, 2020

Operational Court Standards

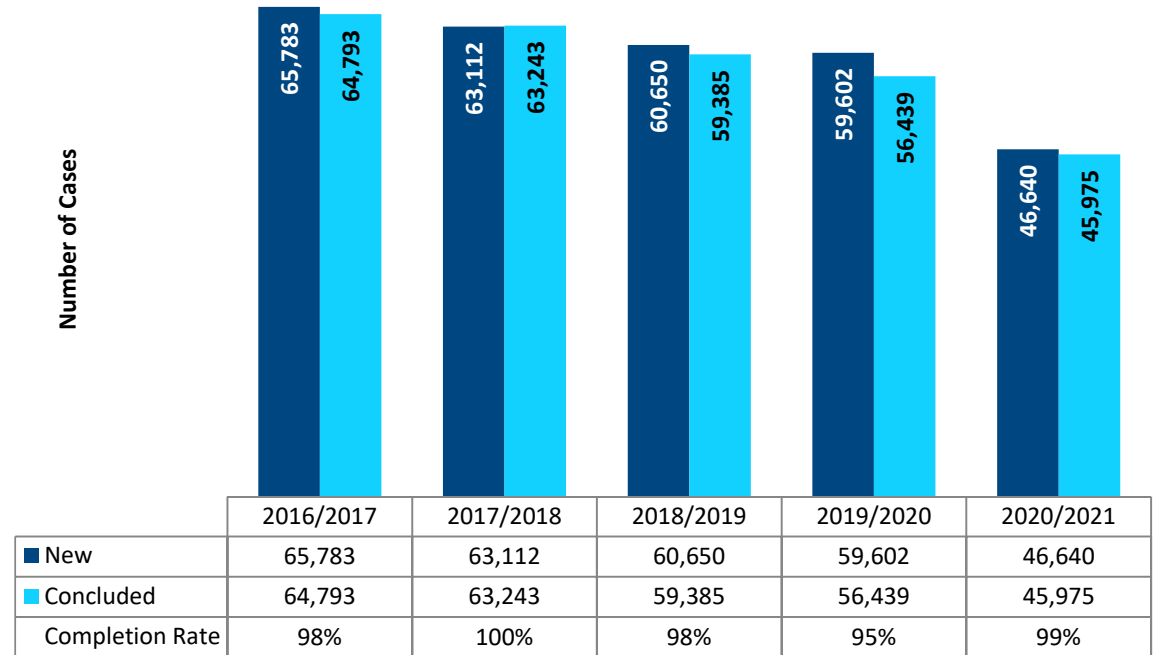
Starting in 2004, the Office of the Chief Judge developed operational standards to assess the Court’s ability to manage its caseload effectively. These standards represent objective goals and performance targets that the Court strives to meet with the judicial resources it has available. Where standards 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.¹⁴ This measure provides an indication of the Court’s ability to conclude cases at the same rate that new cases enter the system. In 2020/21 both new and concluded cases decreased and the completion rate increased to 99%. However, the 2020/21 results should be interpreted with caution due to the temporary suspension of court operations during the COVID-19 pandemic.

14. 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.

Figure 18 Adult Criminal Case Completion Rates, 2016/17 - 2020/21



On-Time Case Processing

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

The Court's standard for criminal cases is to have 90% of cases concluded within 180 days. 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 counsel's availability when setting court dates. The temporary suspension of some court operations due to COVID-19 also affected on-time case processing in 2020/21. 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 19 shows the percentage of cases completed within 180, 365, and 540 days, respectively.

Figure 19 Percentage of Judge Cases Concluded within Three Time frames, 2016/17 - 2020/21

Percent of Adult Criminal Cases Concluded within...			
Year	180 Days	365 Days	540 Days
2016/17	71%	90%	96%
2017/18	70%	89%	96%
2018/19	67%	89%	96%
2019/20	67%	89%	96%
2020/21	52%	81%	93%
Five Year Average	67%	88%	96%

Pending Cases

A pending case is a criminal case¹⁵ 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, 2021). 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.

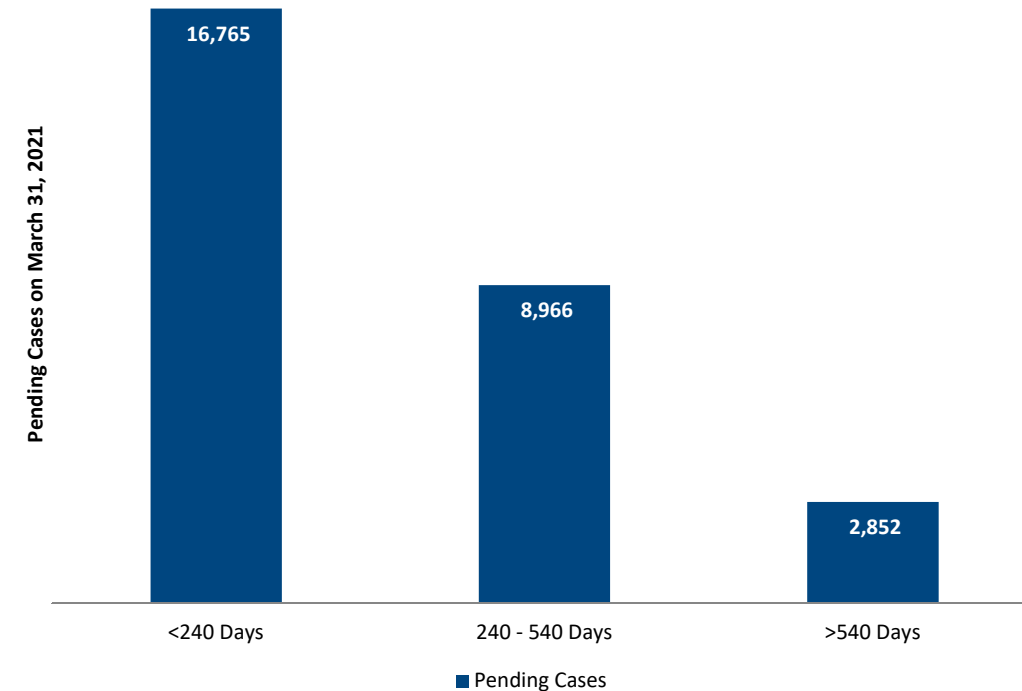
For criminal cases, the Court’s standard for pending cases is for 60% of its pending caseload to be less than 240 days old.

As of March 31, 2021, there were 28,583 adult criminal pending cases, of which 59% 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).¹⁶ This means that the court met its standard this year within acceptable tolerance - as it has done for the past five years. The remaining 11,818 (41%) of cases had pending dates greater than 240 days from the sworn date.

15. 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.

16. The current report is a snapshot as at March 31, 2021. These results are preliminary. Pending cases are likely to adjust upwards due to delays in compiling the data.

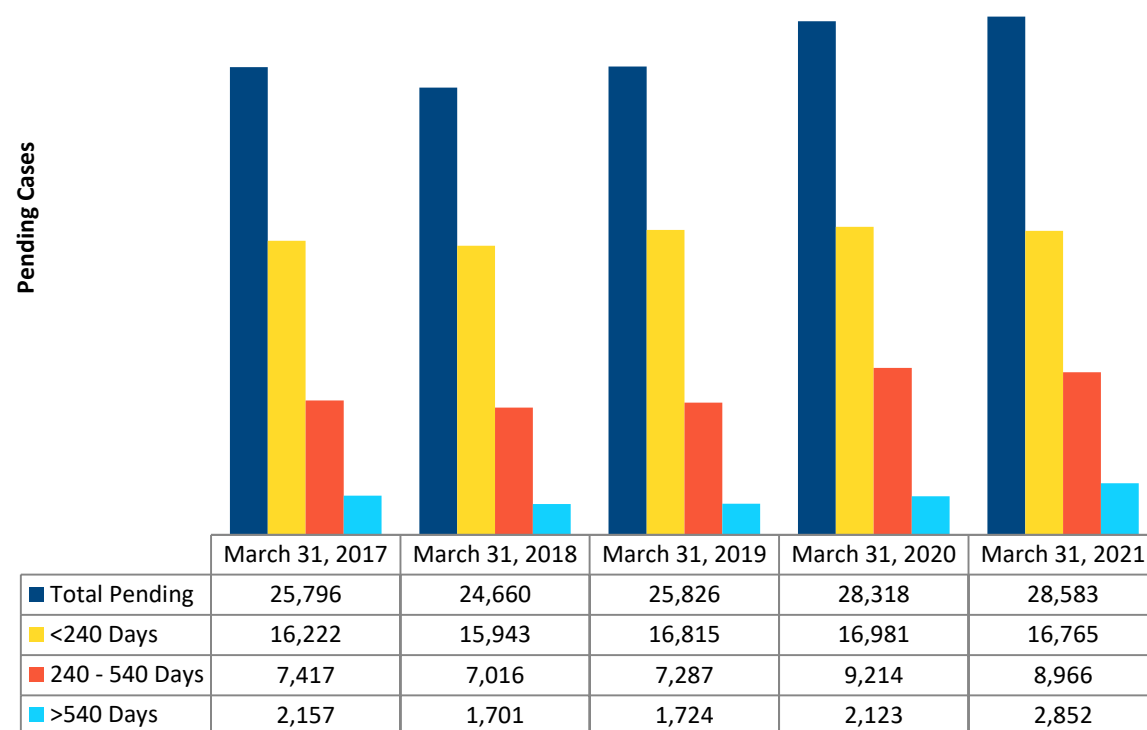
Figure 20 Adult Criminal Pending Cases by Age Category¹⁷



17. Data source: Criminal BI Database.

The number of pending cases in all categories (fewer than 240, between 240 and 540, and over 540 days age) is consistent with last year (total pending cases increased 1% overall). The number and proportion of pending cases in the oldest age category (>540 days) has slightly increased. Figure 21 shows these trends.

Figure 21 Adult Criminal Pending Cases Over Time



Province-wide Time to Trial

The Court continues to measure time to trial from the date a request or order is made for a conference or trial, to the date when cases of that type can typically be scheduled. Time to trial does not reflect when cases are actually set as this is dependent on the availability of counsel. Rather, it is an estimate of when court time would be available to schedule a particular activity.¹⁸

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 revised to better capture longer trials and Summary Proceedings Court¹⁹ matters.

Generally, all time to trial results decreased or stayed the same over the previous year. Looking at each division of the Court, across all adult and youth criminal time to trial results, delays decreased. For all family *FLA* and *CFCSA* trials, the time to trial results decreased or stayed the same as the previous year. Small claims time to trial results decreased over last year except that time to trials under two days and settlement conferences 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 report for September 30, 2021 can be found at provinciacourt.bc.ca/news-reports/court-reports.

18. 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.

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

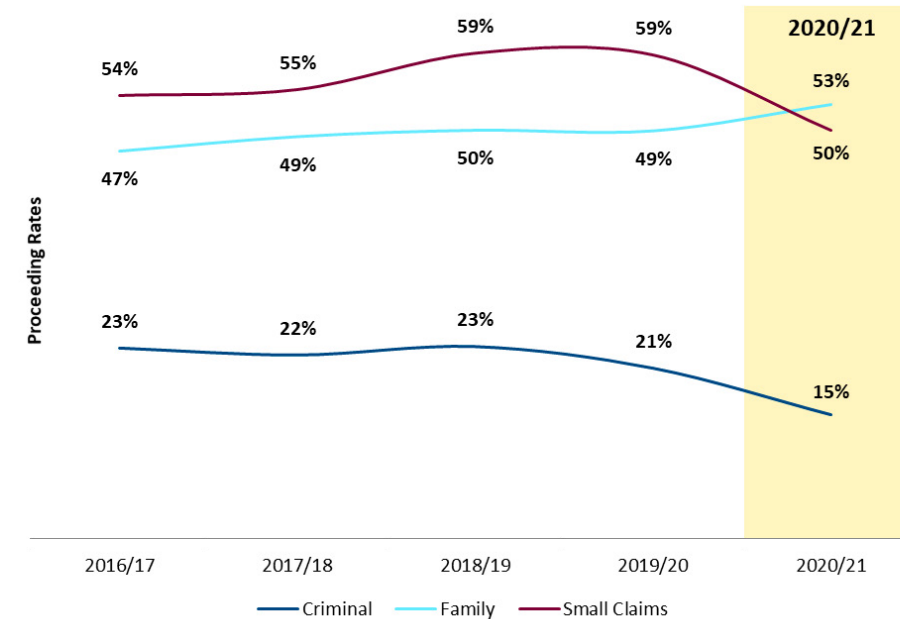
Trial Events

The Court tracks outcomes for all cases that were still on the Court list on the date set for trial. In 2020/21 there were 10,996 such trial events,²⁰ which is a decrease (35%) from previous year. However, the 2020/21 numbers should be interpreted with caution due to the temporary suspension of some court operations during the COVID-19 pandemic.

There are several possible outcomes on the day of trial, one of which is that the trial proceeds.²¹ 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.²²

Proceeding rates capture the percentage of trials that proceeded on the first day of trial.²³ There are persistent differences in proceeding rates between divisions. As shown in Figure 22, proceeding rates in 2020/21 differed from previous years.²⁴ Again however, the 2020/21 numbers should be interpreted cautiously due to the temporary suspension of some court operations due to COVID-19 during this fiscal year.

Figure 22 Proceeding Rates by Division, 2016/17 - 2020/21



20. 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.

21. 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.

22. 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.

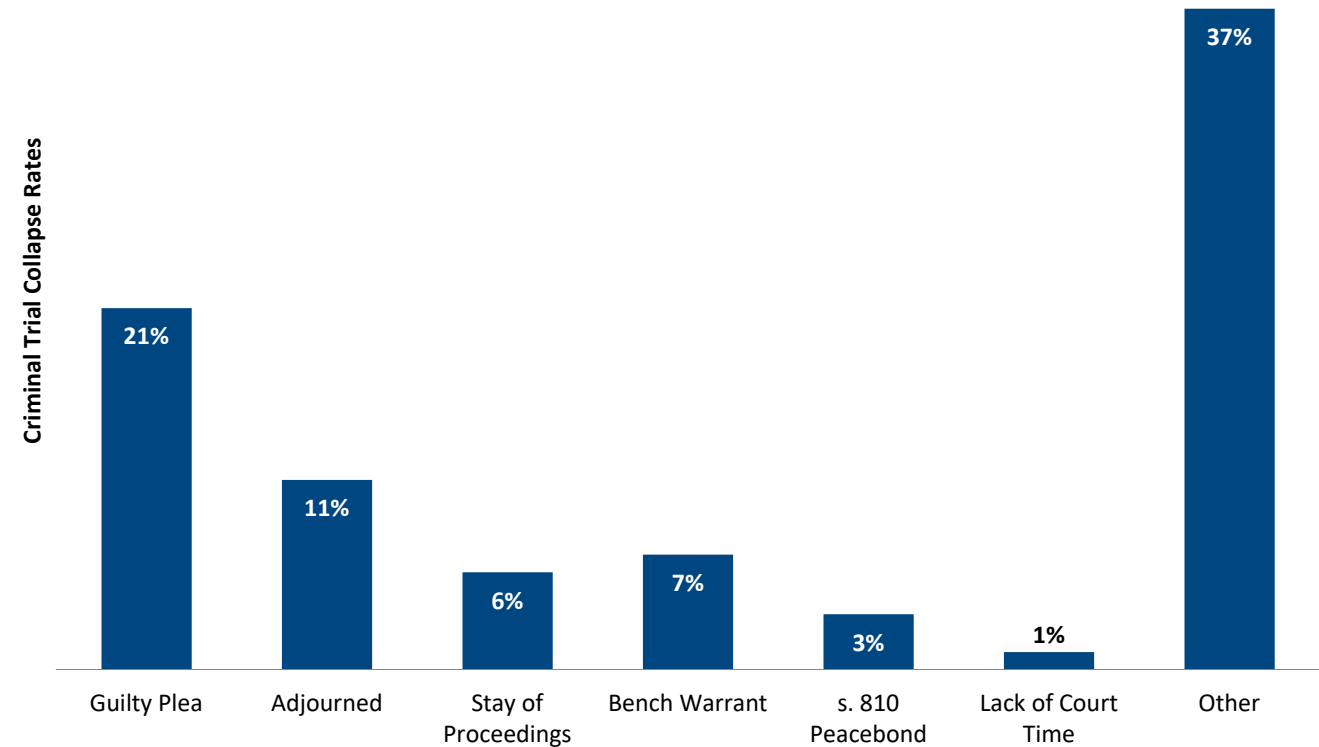
23. Whether the case concluded or not is irrelevant to this determination - all that matters is that the case proceeded (as a trial) on the day it was scheduled for trial.

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

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

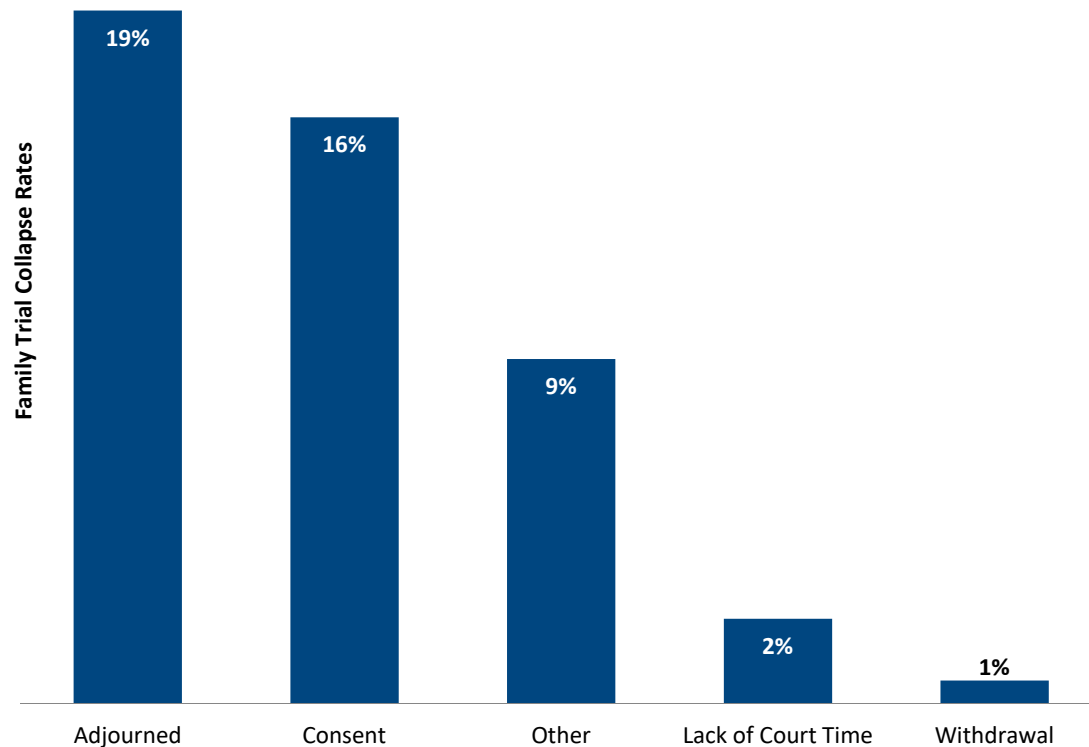
In the criminal division, about half the cases remaining on the list concluded on the first day of trial (i.e. ending in a guilty plea, stay of proceedings, or s. 810 peace bond). Figure 23 shows the distribution of collapse reasons for the criminal division in 2020/21. The spike in the “Other” category is associated with cases collapsing because of the temporary suspension of some court operations during COVID-19.

Figure 23 Collapse Rates of Criminal Trials by Collapse Reason



The proceeding rate in the family division (53%) is three and a half times better than the criminal division’s rate, slightly higher than last year’s rate (49%), and similar to proceeding rates in the period from 2011/12 to 2016/17 (54 - 55%). The increase in the “Other” category is associated with cases collapsing because of the temporary suspension of some court operations during the COVID-19 pandemic. Figure 24 shows the distribution of collapse reasons in the family division.

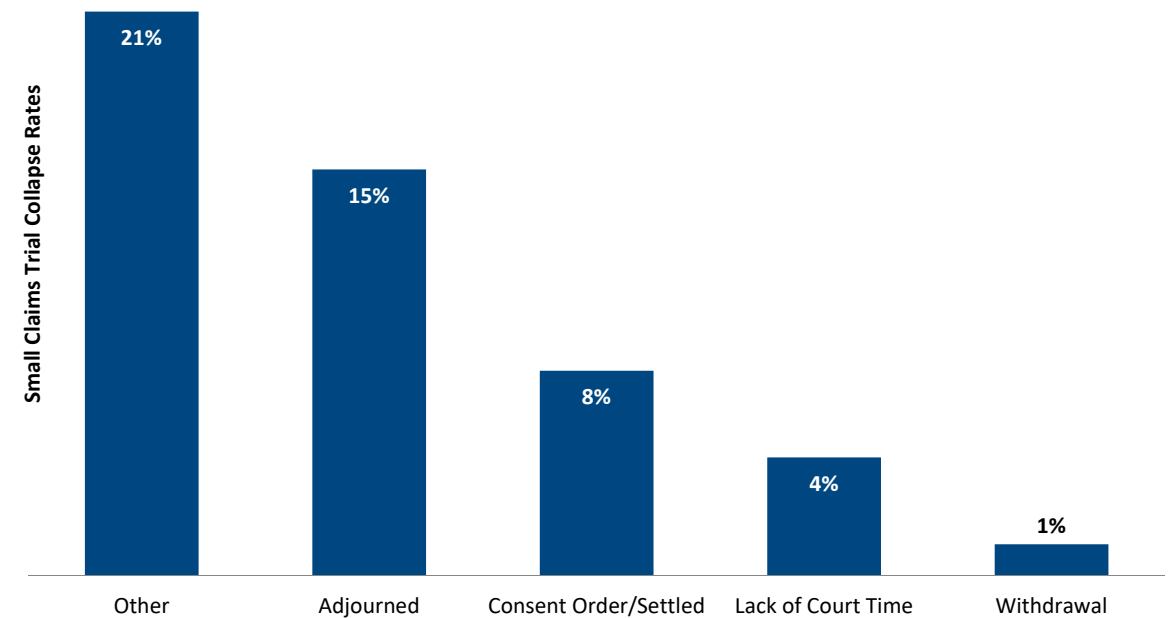
Figure 24 Collapse Rates of Family Trials by Collapse Reason



The majority of small claims trials (50%) remaining on the list proceeded on the first day of trial. The spike in the “Other” category is associated with cases collapsing because of the temporary suspension of some court operations during the COVID-19 pandemic.

Figure 25 below shows the distribution of collapse reasons for small claims trials.

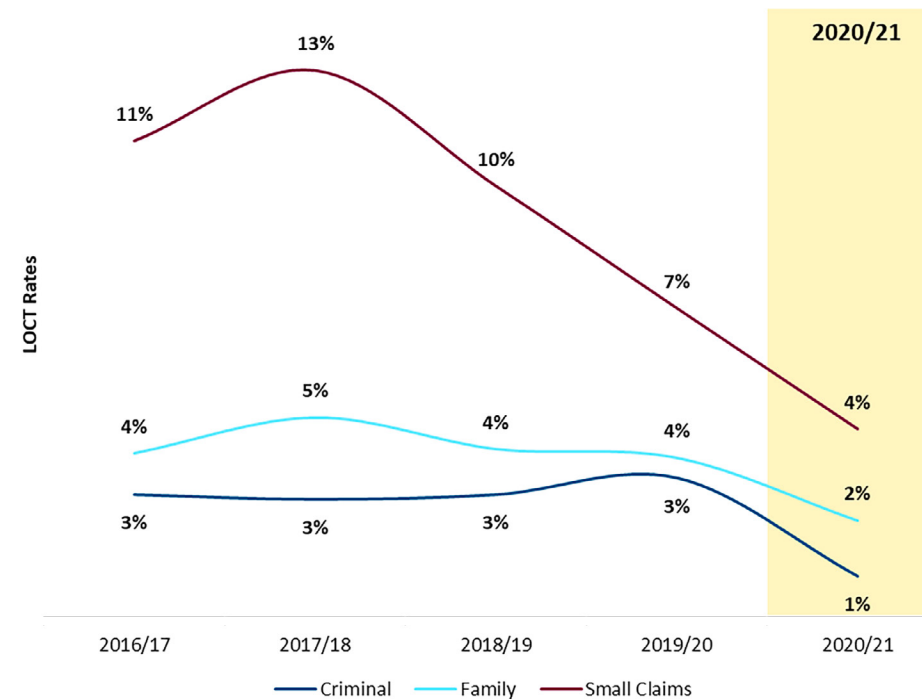
Figure 25 Collapse Rates of Small Claims Trials by Collapse Reason



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. This does not include cases that were adjourned during the temporary suspension of court operations due to COVID-19 public health measures. It refers to trials scheduled during the Court's full operations, when matters could not proceed on the day of trial due to insufficient judicial resources.

LOCT rates for all divisions are at the lowest point of the past five years. However, the 2020/21 numbers should be interpreted with caution due to the temporary suspension of some court operations during the COVID-19 pandemic. The five-year trend for each division is shown in Figure 26.

Figure 26 Lack of Court Time Rates by Division, 2016/17 - 2020/21



Financial Report

Despite a challenging fiscal year that saw significant disruptions in court operations related to COVID-19, the Provincial Court of BC continued to spearhead innovation in the administration of justice. The Court invested heavily in human capital and technology to support court modernization and provide access to justice through safe, physically distanced, and innovative in-person, virtual, and hybrid proceedings.

While the Court continued to face ongoing budget pressures in the 2020/21 fiscal year, including the added pressures of a comprehensive digital transition, significant COVID-19 related savings enabled the Court to invest in innovation while completing the fiscal year with a relatively modest budget deficit. Figure 27 below provides an overview of the estimates budget allocated to the Court, the actual expenses incurred, and authorized cost recoveries.

Figure 27 Statement of Operating Expenses - Fiscal Year 2020/2021

Description	Estimates	Actual	Variance	
Salaries	\$44,397,000	\$46,257,962	-\$1,860,962	(1)
Supplemental Salaries	\$50,000	\$85,149	-\$35,149	(2)
Benefits	\$11,277,000	\$12,104,432	-\$827,432	(1)
Total Salaries and Benefits	\$55,724,000	\$58,447,542	-\$2,723,542	
Jud'l Council Fees & Exp		\$17,959	-\$17,959	
Jud'l Justices Fees & Exp	\$2,589,000	\$3,093,777	-\$504,777	(3)
Travel	\$1,837,000	\$348,205	\$1,488,795	(4)
Professional Services	\$282,000	\$233,549	\$48,451	(5)
IT/Systems	\$675,000	\$1,117,448	-\$442,448	(6)
Office Expenses	\$1,354,000	\$898,310	\$455,690	(7)
Supplies - Jud'l Attire	\$95,000	\$64,254	\$30,746	
Vehicle Expenses	\$60,000	\$48,069	\$11,931	
Amortization	\$601,000	\$574,573	\$26,427	
Renovations and Rent	\$275,000	\$153,309	\$121,691	(8)
Transfers - CAPCJ & CCCJ	\$12,000	\$12,200	-\$200	
Total Operating Expenses	\$7,780,000	\$6,561,653	\$1,218,347	
Recoveries - 2019 JCC	-\$1,000	-\$1,268,877	\$1,267,877	(9)
Grand Total	\$63,503,000	\$63,740,318	-\$237,318	

Notes:

1. Increased cost for Court Modernization, higher unused leave benefits, and cost of disability benefits. Increased cost to implement 2019 Judicial Compensation Commission (JCC) recommendations.
2. Increased cost of supplemental salaries (parental leave).
3. Added shifts to manage COVID-19 backlog and higher disputed Intersection Safety Camera tickets. Increased cost to implement 2019 JCC Recommendations.
4. Travel savings related to COVID-19.
5. Professional services deferred due to COVID-19.
6. Increased technology costs to support Court Modernization.
7. Reduction in office expenses due to COVID-19.
8. Facilities expenditures deferred due to COVID-19.
9. Recovery of costs to implement 2019 JCC Recommendations approved by Government.

Complaints

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

If the complaint asserts judicial misconduct, it is examined by the Chief Judge. As part of this examination, the judicial officer who is the subject of the complaint is provided with a copy of the complaint and an opportunity to respond. The Chief Judge, after examining the complaint, any other relevant materials, and any response received from the judicial officer, may determine that:

- a. the complaint lacks merit;
- b. the complaint can be resolved through corrective or remedial measures; or
- c. that an investigation is warranted.

The Chief Judge then advises the complainant and the judicial officer of the result of the examination.

During the period from January 1, 2020 to December 31, 2020, the Office of the Chief Judge received 230 letters of complaint about judges, judicial justices, judicial case managers, and Court Services Branch justices of the peace. On assessment, 215 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 2019, 10 examinations were completed and resolved at the examination stage.

Summaries of the completed complaint examinations can be found in Appendix 1. Figure 28 tracks complaint statistics and outcomes for the last decade. Since 2011, almost all complaints have been resolved at the examination stage.

Figure 28 Complaints Statistics, 2011–2020²⁵

	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Letters received	272	227	253	273	204	336	352	379	305	230
Non-complaints (those found not to be within Section 11 of the PCA)	239	206	225	254	164	313	335	370	288	215
Referrals ²⁶	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	9
Examinations of complaints performed to December 31, 2020	*39	*21	*20	*28	*19	*26	*16	*9	*13	*10
Investigations of complaints performed	0	0	0	0	0	0	1	0	0	0
Files unresolved by December 31, 2020	0	0	0	11	23	7	16	5	9	8

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

26. Referrals are matters that were found to not be related to the Court and in which the only action taken was to refer the complainant to another organization or agency. Before 2020, these were not distinctly captured and were counted as “non-complaints”.

Appendix 1: Complaint Summaries

Complaints against Judges	
#	Summary
1	<p>Complaint: The complaint arose out of criminal sentencing proceedings. The complainant asserted that the Judge engaged in “extended banter” with defence counsel, provided unsolicited suggestions and recommendations, and made inappropriate comments, which “communicated an impression that [the Judge] was not taking this case seriously”.</p> <p>Review: A response was sought from the Judge and the audio recording was reviewed. The audio recording confirmed that the Judge did make a number of comments that were similar in nature to the assertions set out in the complainant’s letter, which were noted to be of concern in light of the Canadian Judicial Council’s Ethical Principles for Judges as they relate to integrity and impartiality. In their response, the Judge sincerely apologized for their conduct and expressed regret at how they were perceived by the complainant despite their intent. It was a helpful reminder of the ideals to which judges aspire, and how a judge’s comments at a hearing may be perceived by litigants and the public.</p> <p>From a review of the matter, when viewed against the Judge’s response, their reflection on the issues raised, and sincere apology, it was apparent that the Judge was unlikely to encounter similar issues in the future. As such, beyond providing the Judge with a copy of the complaint and reporting letter, further action on the complaint was not warranted. The matter was closed on that basis.</p>

2	<p>Complaint: The complaint arose from comments the Judge made to the complainant organization regarding the circumstances of a dispute the Judge was having with another individual. The complainant asserted that the comments were inappropriate and raised some concern of bias, should they ever appear before the Judge in court.</p> <p>Review: A response was sought from the Judge. The Judge apologized, stating that their comments were inappropriate and should never have been made, and made assurances that the incident would not affect their conduct in court.</p> <p>Beyond a written apology from the Judge being sent to the complainant, the Judge undertook a review of the Canadian Judicial Council’s Ethical Principles for Judges as they relate to impartiality. In terms of the concern of bias, the Judge added the complainant to their conflicts list.</p> <p>The complainant was advised of this in a reporting letter, a copy of which was provided to the Judge, and the matter was closed on that basis.</p>
---	---

3 **Complaint:** The complaint arose from a criminal hearing. The complainant asserted that the Judge was unreasonably aggressive towards them and counsel who appeared in a preceding court matter. The complainant also asserted that the Judge was “confrontational and belittling” and had them removed from the courtroom by the presiding sheriff.

Review: A response was sought from the Judge and the audio recording reviewed. Review of the audio recording confirmed that the Judge did make some disparaging, sarcastic, and condescending comments. The Judge sincerely apologized for their conduct during the court hearings and acknowledged that they have a responsibility as a judge to treat all those who appear before them evenly and respectfully so as to provide confidence to counsel, litigants, and observers that judicial authority is being exercised fairly and in an even-handed manner. They noted that in hindsight, they would have handled things much differently.

An Associate Chief Judge and a legal officer met with the Judge to discuss these concerns, and the Judge was open to the concerns raised and committed to taking steps to address those concerns, including implementing the skills learned from two professional development education programs concentrating on effective ways to approach their work as a judge and better communicate with those who appear before them.

The matter was closed on that basis and a report was provided to the complainant with a copy to the Judge.

4 **Complaint:** The complaint arose from criminal proceedings. The complainant asserted that the Judge did not address their application properly, spoke over the complainant and shortly after instructed them to leave the courtroom immediately.

Review: A response was sought from the Judge and the audio recording was reviewed. It was noted the Judge did not address an application nor indicate that the application was not relevant. It was determined that the complainant’s concern regarding their application was a matter for appeal.

With respect to the complainant’s other assertions, the audio recording indicated that, while the Judge demonstrated calmness and an even tone throughout the hearing, an exchange as outlined in the complaint did take place. While a judge has a duty to assert control over a proceeding to maintain an atmosphere of order in the courtroom, as per the Canadian Judicial Council’s Ethical Principles for Judges, “Judges should avoid comments, expressions, gestures or behaviour which reasonably may be interpreted as showing insensitivity to or disrespect for anyone”. The judge was provided with a copy of the response to the complainant and the matter was closed on that basis.

- 5** **Complaint:** The complaint arose from small claims proceedings. The complainant asserted that the Judge “bullied and threatened” one of the parties, “refused to listen” to them, and “threatened” them for speaking out of turn when the other party received no such chastisement for similar behavior. The complainant also asserted that the Judge did not treat them with respect and made inappropriate comments.
- Review:** The audio recording was reviewed and a response was sought from the Judge. The Judge provided a detailed response which spoke to the concerns set out in the complaint.
- The audio recording confirmed that all parties present were provided with an opportunity to make submissions to the Court and the Judge asked both parties to refrain from interrupting each other. The audio recording also indicates that the Judge’s explanation of procedure was misconstrued as “bullying” behaviour by the complainant.
- While the audio recording confirms that the Judge demonstrated calmness at significant points throughout the hearing, it was apparent there were times when the Judge showed their frustration with the complainant. In this respect, the Judge apologized for any time during the proceeding in which they failed to demonstrate the proper level of courtesy.
- 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 court record, the complaint, and the Judge’s response and apology, it was determined that, 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 by litigants, no further examination was warranted. The complainant was informed of the same and the matter was closed on that basis.

Complaints against Judicial Justices

6 **Complaint:** The complaint arose from traffic proceedings. The complainant asserted that the Judicial Justice presiding over their matter attempted to encourage them to “make a deal” with Crown instead of proceeding to trial. The complainant also asserted that the Judicial Justice suggested the disclosure they were seeking would not help them based on previous court matters the Judicial Justice had seen.

Review: A response was sought and received from the Judicial Justice, and the audio recording of the proceedings in question reviewed.

The Judicial Justice provided a detailed response apologizing for their choice of words and expressing regret that the complainant was left with the impression that they were being unfairly pressured to plead guilty. The Judicial Justice explained that they were trying to explore whether the complainant and Crown could come to a resolution that would be satisfactory to both parties and avoid the necessity of a further court appearance. The Judicial Justice also acknowledged that they could have better conveyed their intention behind exploring the possibility of settlement.

Following a review of the complaint, the audio recording, and the Judicial Justice’s response and sincere apology, it was determined that beyond receipt of a copy of the complainant’s letter by the Judicial Justice, no further examination was warranted. The complainant was provided with a reporting letter and the matter was closed on that basis.

7 **Complaint:** The complaint arose from traffic proceedings for a member of the complainant’s family, being held at an alternate hearing location to permit physical distancing. The complainant asserted that their admittance into the courtroom was declined without being provided an opportunity to address the matter in open court and without any reasons given by the presiding Judicial Justice.

Review: A response was sought and received from the Judicial Justice. The Judicial Justice provided a detailed response wherein they indicated that they were aware that the complainant was waiting outside to assist their family member; however, no assistance was ultimately required. The Judicial Justice also made reference to (1) the health and safety protocols in effect in all courtrooms and courthouses at the time during the COVID-19 pandemic (NP 22), which limited entry into courtrooms and courthouses if safe physical distancing requirements could not be maintained; and (2) the direction in NP 19 that only counsel, parties, witnesses, and accredited media attend the alternate hearing locations for traffic court. Nevertheless, it is important for those who are declined or subject to delayed entry into the courtroom to understand the reason(s) why, including being made aware of the applicable Court notices, directions, and/or protocols.

Upon a review of the complaint and the Judicial Justice’s response, and in light of the health and safety protocols governing in-person court proceedings at the time, it was determined that, beyond the Judicial Justice receiving a copy of the reporting letter to the complainant, no further examination was warranted. The matter was closed on that basis.

Complaints against Judicial Case Managers

8 **Complaint:** The complainant asserted that the Judicial Case Manager was hostile and dismissive while trying to set court dates on the phone and made unprofessional and inappropriate comments.

Review: A response was sought from the Judicial Case Manager. The Judicial Case Manager noted that they contacted both parties to find mutually agreeable dates for efficiency. The Judicial Case Manager also noted that although they agree that they said words similar to those asserted by the complainant, the complainant's behaviour was emotional and the Judicial Case Manager felt their responses were fair, unbiased, straightforward and firm.

A closing letter was sent to the complainant advising of the applicable Standards of Conduct for Judicial Case Managers and the Justice of the Peace Code of Ethics. The letter said that although the Judicial Case Manager did not conduct themselves as professionally as the complainant expected, they had provided the complainant with the necessary information and it was apparent they were trying to ensure that due process of law be as expeditious as possible, while endeavoring to schedule the settlement conference to minimize inconvenience to all parties. The Judicial Case Manager was provided a copy of the closing letter and the matter was closed on that basis.

9 **Complaint:** The complaint arose from the complainant's experience in setting a date for a pre-trial conference for a family matter. The complainant asserted that notice was not sent until the afternoon before the conference date.

Review: A response was sought from the Judicial Case Manager. The Judicial Case Manager provided a detailed response, advising that they had communicated with the complainant about scheduling the conference on short notice and that the complainant indicated they would be available at any time. The Judicial Case Manager fully acknowledged that they made an error by not actually setting an earlier court date and advised that as soon as they realized, they immediately set the date, called the complainant to advise of the same and emailed the scheduling notice. In their response, the Judicial Case Manager expressed their deep regret over causing the complainant such angst.

A review of the complaint, the Judicial Case Manager's response and consideration of the surrounding circumstances led to the conclusion that, beyond the Judicial Case Manager receiving a copy of the closing letter to the complainant, further examination of the complaint was not warranted. The matter was closed on that basis.

Appendix 2: 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 Date²⁷ 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 Court²⁸ 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.

27. 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.

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

Figure 29 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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