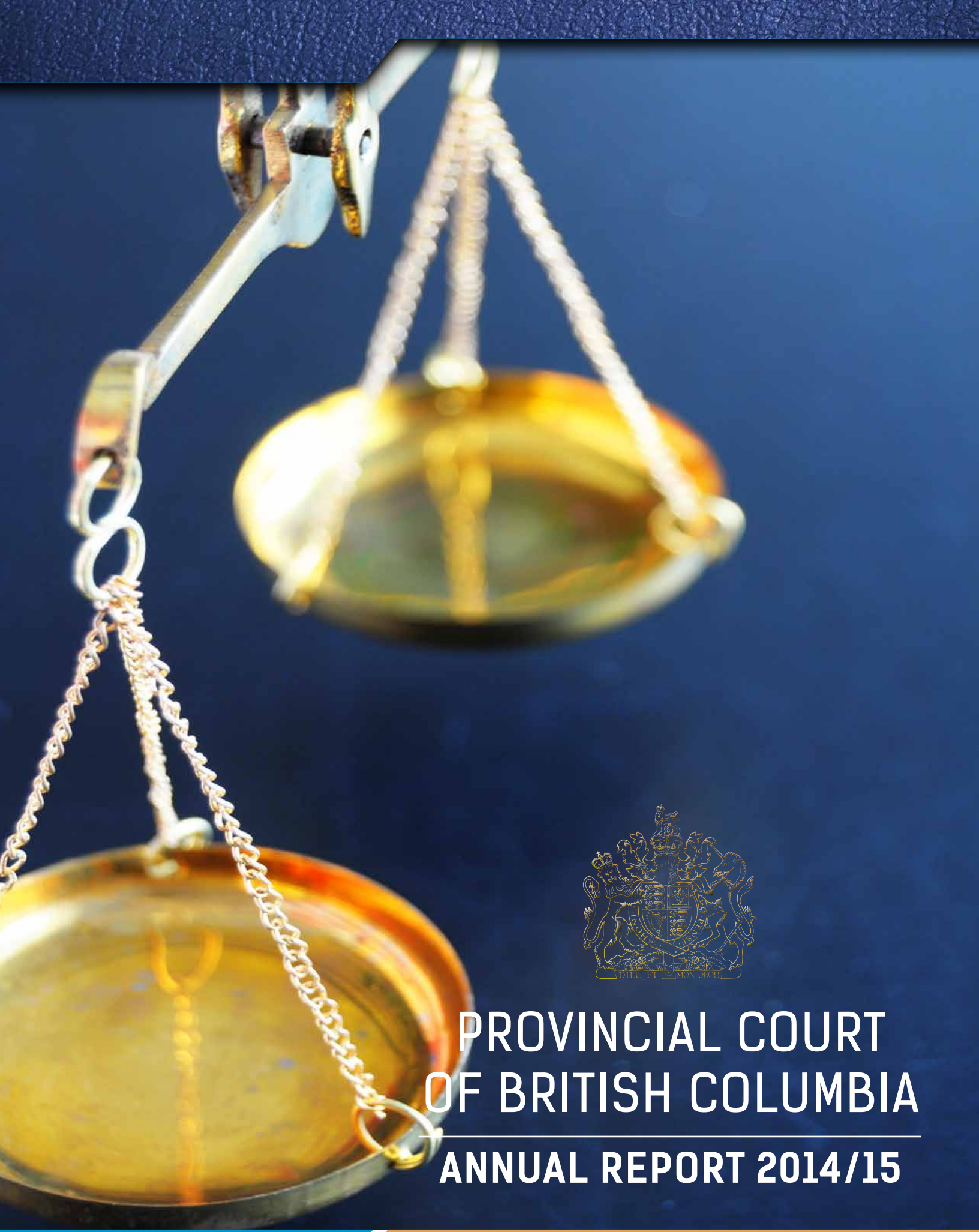

PROVINCIAL COURT OF BRITISH COLUMBIA

ANNUAL REPORT 2014/15

CONTACT THE OFFICE OF THE CHIEF JUDGE

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

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

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

For information about a case, contact the *Court Registry* at the relevant location.

The Office of the Chief Judge cannot provide legal advice. If you require legal advice in British Columbia, you can contact the Lawyer Referral Service, a service established by the *British Columbia Branch of the Canadian Bar Association*. You may also wish to contact the *Legal Services Society, University of British Columbia Law Students' Legal Advice Program*, or *The Law Centre* - a service of the University of Victoria Faculty of Law.

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

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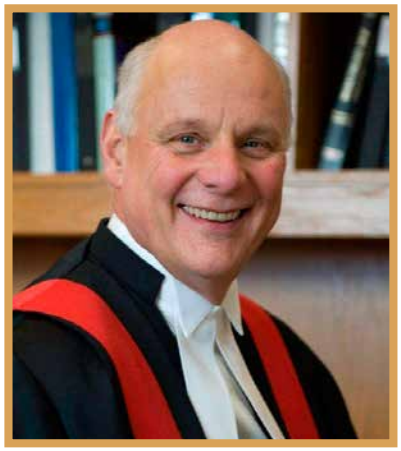
Provincial Court of British Columbia



MESSAGE FROM THE CHIEF JUDGE

In the 2014/15 fiscal year, all of us at the Provincial Court of British Columbia continued our effort to excel in the delivery of justice services and to provide timely, effective and equitable justice for all British Columbians.

This report outlines several initiatives that we have undertaken or advanced in the past fiscal year. Some specific new initiatives, such as the Backlog Reduction Project and the Interjurisdictional Support Order Initiative, are short-term projects that will help meet our timeliness goals. Others, such as the Provincial Court Scheduling Project and the administrative reorganization, will improve our ability to deliver justice equitably and efficiently over a longer term. Concrete steps to make our processes more effective and consistent will continue in the coming years.

Through these and similar innovative approaches, I believe we can provide British Columbians with a modern, effective and accessible system of justice that they can have confidence in.

I am pleased that the Court's achievement of its performance targets for time to trial in criminal cases continues to improve. On a provincial basis, the time to trial has improved to the point that the current timelines are lower than the standards we set 10 years ago. While the time-to-trial targets in most other areas of the Court's jurisdiction (family, child protection, youth and civil) are improving, I am disappointed that we have not yet achieved our targets on a provincial basis. We will continue our efforts to meet our targets to deliver justice in a timely fashion for all British Columbians.

During this fiscal year, we welcomed four judges who were newly appointed to the Provincial Court of British Columbia. They replace 14 who left the Court or elected to participate in the senior judges program. Sadly, one judge passed away while in office: Judge Josiah Wood brought his knowledge, experience and dedication to Duncan, and devoted tireless efforts to the justice system.

The Court continues to act with an undefined complement of judges, having a judicial full-time equivalent of 120.8, compared to 125.35 in 2013/14. The determination of an appropriate complement of judges to serve the needs of the people of the province and the timely replacing of judges to maintain such a complement is integral to administering the Court. I look forward to engaging with government to define an appropriate complement.

The confidence of the people of British Columbia in its judiciary relies on open and transparent access to the courts and the judicial officers who serve the public. In that light, I also wish to share in this report the results of investigations regarding complaints about members of the judiciary that my office received in 2014. When such concerns are brought to my attention, they serve as a learning opportunity and a corrective opportunity for me and the judicial officers involved.

In closing, I would like to express my appreciation to the judges and the judicial justices of the Court for their dedication to service and their commitment to the delivery of justice to the people of British Columbia in the over 80 court locations throughout the province.

Thomas J. Crabtree
Chief Judge

EXECUTIVE SUMMARY

The Provincial Court of British Columbia provides a forum for independent, fair and impartial access to legal justice throughout the province. One of several court systems serving B.C. residents, it hears trials on criminal, civil, family, child protection, traffic and bylaw matters.

JUDICIAL OFFICERS

A variety of judicial officers, including judges, judicial justices, justice of the peace administrators and judicial case managers, hear cases or determine limited aspects of those cases. As of March 31, 2015:

- The number of full-time equivalent judges – that is, the number of judges adjusted for those on disability or with a part-time assignment – totalled 120.8. After four appointments and 15 reductions in the 2014/15 fiscal year, this was the lowest number since March 31, 2011. This is down from an average of 126.24 over the prior five years, and 125.35 in the previous year.
- The number of judicial justices, who preside over bail, search warrant, ticket and other hearings, totalled 11 full-time and 24 who work in a part-time capacity, not including one judicial justice on long-term disability.
- The number of justice of the peace adjudicators, who hear simplified civil court trials, totalled 10.
- The number of judicial case managers, who schedule various hearings, totalled 45 in full-time or part-time appointments.

While male Provincial Court judges outnumber female judges by nearly a two-to-one ratio, the gender divide is much more even for recent appointments.

CASE LOAD AND REPRESENTATION

The Court commenced a similar number of cases in the 2014/15 fiscal year as in the previous year, ending a five-year trend of fewer new cases each year. New cases in the adult criminal, family and child protection divisions increased, while new cases in the small claims and youth criminal divisions declined by 10 and 11 per cent respectively. In total, the Court heard 120,356 such cases, and an additional 99,396 traffic tickets and bylaw cases. In the 2014/15 fiscal year, the average number of cases per judge rose, from 961.1 in 2013/14 to 996.3 in 2014/15.

The Court has reduced the number of pending criminal cases significantly in each of the past five fiscal years. On March 31, 2015, a total of 9,559 cases were pending for six months or more, although the Court's targeted time to trial is no more than six months.

On average, time to trial has decreased since 2010. The Court is now consistently meeting its performance targets with respect to criminal cases; however, these targets are not yet being met in family and small claims matters.

The Court observed no significant change in the number of self-represented litigants compared with the 2013/14 fiscal year. In the

In total, **219,752** new cases were commenced in the Provincial Court , including criminal, family, traffic and bylaw cases.

adult criminal division, 18 per cent of accused were self-represented in 2014/15. In family cases, 41 per cent of appearances were self-represented, and in small claims appearances 65 per cent were self-represented.

The Court Services Branch implemented an improved method for counting cases in the 2014/15 fiscal year. As a result, figures from this report cannot be compared with those in previous reports. Historical data in the 2014/15 report are based on revised figures using the new methodology. **Appendix 3** explains the changed methodology.

The average number of cases per judge rose, from **961.1** in 2013/14 to **996.3** in 2014/15.

INITIATIVES TO IMPROVE ACCESS TO JUSTICE

The Provincial Court of British Columbia continues to focus on new initiatives to improve the justice system, with several initiatives progressing in the 2014/15 fiscal year.

The Backlog Reduction Project, which allocated 170 additional judge sitting days in the 2013/14 fiscal year with support from the Ministry of Justice, reported on the impact of the additional sitting days and lessons learned to improve the outcomes of similar projects. The project showed that adding additional court days and supporting resources can have an impact in criminal cases, but that a more complex intervention is required to have a significant impact in child protection cases.

Problem-solving courts in several locations focus on meeting particular challenges, such as the needs of First Nations communities, as well as offenders with mental health and substance-abuse issues.

The Court completed the roll-out of assignment courts in seven locations to speed case management and allow more efficient scheduling. New scheduling software began to be implemented and will be completed in the 2015/16 fiscal year. Initial reports show reduced delays under the new scheduling systems.

Implementation of new processes under the *Inter-jurisdictional Support Orders Act* began, with the objective of helping parents who live in different jurisdictions reach an agreement on child support. Streamlined processes and specially trained staff will attempt to ensure that issues can be decided in a single court appearance.

The Court has continued to expand video links from the Justice Centre in Burnaby to other locations, allowing access to bail hearings and other matters in remote locations. In 2014/15, video technology saved almost 23,000 prisoner transports.

The University of British Columbia Law School Intern Program provided an opportunity for students to spend an entire law school term working with the Court judiciary in all areas of the Court's work, including circuit courts in remote locations.

RELOCATION AND COMMUNICATIONS INITIATIVES

The Provincial Court moved the Office of the Chief Judge from its former location in a Vancouver office building to the Robson Square Courthouse. The Office of the Chief Judge is the executive and administrative headquarters of the Provincial Court system.

The relocation allows senior managers and staff in the office to work more closely with other levels of the Court and those in the justice system.

The Court also launched several initiatives in the 2014/15 fiscal year to help meet its goals of accessibility and openness. These include:

- Redesign of the Court's *website* to provide simpler language and navigation as well as additional resources for users of the Court
- An online news service, issuing short news bulletins and weekly articles at *www.provinicalcourt.bc.ca/eNews*
- A Twitter feed with the username @BCProvCourt (*twitter.com/BCProvCourt*) to provide updates about B.C.'s justice system, recent judgments, education resources and other stories

THE PROVINCIAL COURT'S COMMITTEE WORK

Through several committees, judges and judicial justices of the Provincial Court support the work of the Court and provide advice to the Chief Judge.

Leaders from British Columbia's justice system created a B.C. Access to Justice Committee in 2014 to find ways to remove barriers to justice. Members from the government, the bench, the bar and other justice organizations will determine priorities for action to respond to unmet legal needs and identify expertise within the sector for carrying out these priorities.

The Chief Judge formed a Criminal Law Committee in 2014 to update members of the Court on legislative and case law changes in the criminal law and to provide advice and assistance on criminal and regulatory matters in the Court's jurisdiction. Two committees with a similar advisory mandate continue to operate in other fields of law: the Family Law Committee and the Civil Law Committee.

FINANCES

With a budget of approximately $54 million in 2014/15, the Provincial Court's actual outlay totalled almost $53 million. The Court's budget is made up almost entirely of the salaries and related expenses for judicial officers, as most other expenses of the court system are provided by other branches of the provincial government.

CONFIDENCE IN THE JUSTICE SYSTEM

The public and individuals appearing in court must be confident that judicial officers have integrity and are impartial and independent. A complaints process gives people an opportunity to formally criticize judicial officers and courts if they believe that justice was not delivered in a fair and independent manner.

The Chief Judge reviews complaints about judicial conduct (not the merits or "correctness" of judicial decisions, which only the appeal courts can review). In the 2014 calendar year, the Office of the Chief Judge received 272 letters of complaint about judicial officers. Of these, 260 involved issues that the Chief Judge could not review. Examinations were conducted on 20 complaints, and 11 were unresolved on December 31, 2014. The Annual Report summarizes the complaints and the outcomes of any investigations in **Appendix 5**.

On average, time to trial has decreased since **2010** and the Court is now consistently meeting performance targets in criminal cases.

THE PROVINCIAL COURT OF BRITISH COLUMBIA

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

MISSION

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

VISION

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

CORE VALUES

Independence • Fairness • Integrity • Excellence

GOALS

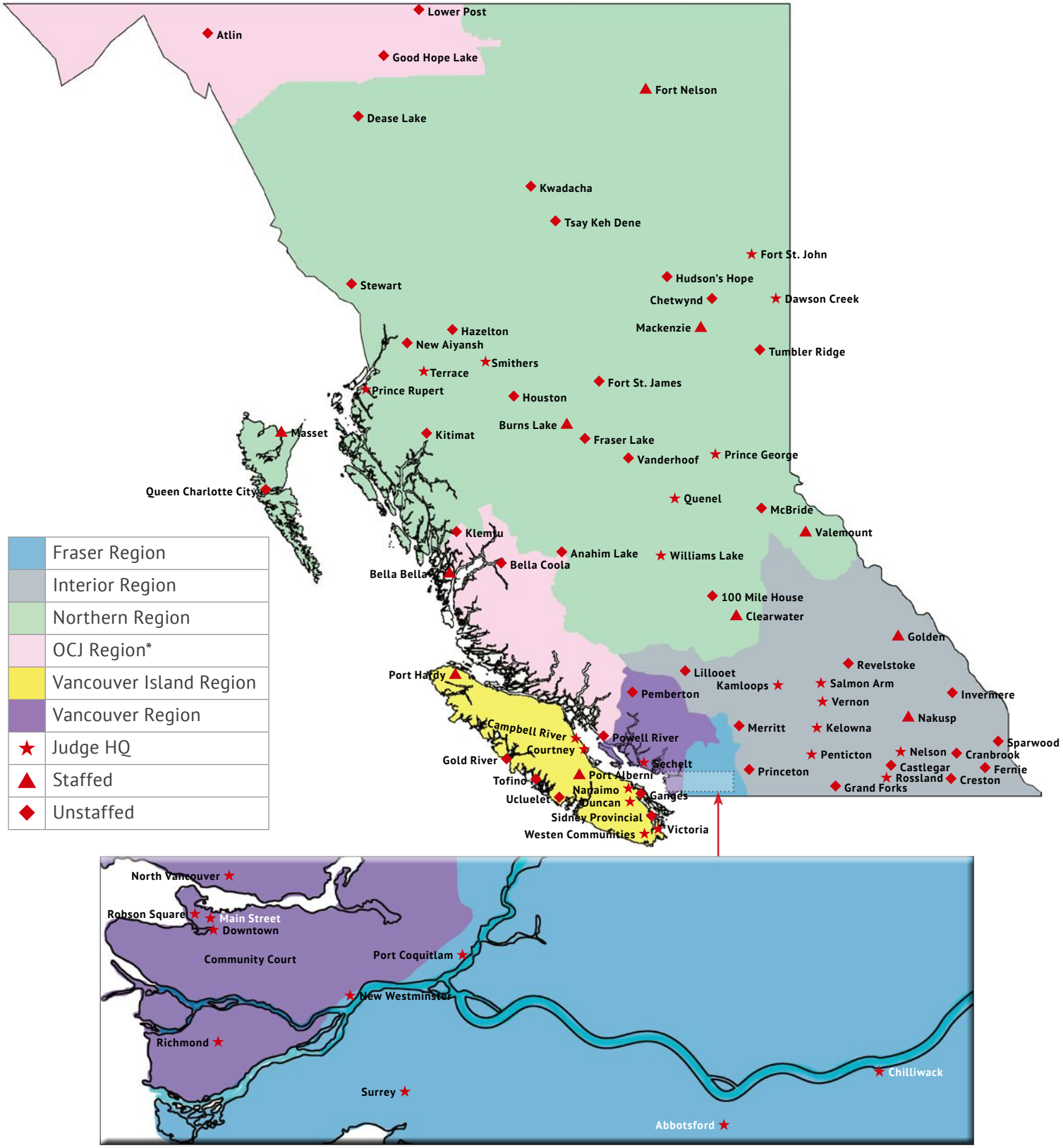
Excel in the delivery of justice

Enhance meaningful public access to the Court, its facilities and processes

Anticipate and meet the needs of society through continuing judicial innovations and reform

Ensure that administration and management of the Court is transparent, fair, effective and efficient, consistent with the principles of judicial independence

Figure 1. Five Administrative Regions of the Provincial Court of British Columbia



*** The OCJ region represents judges assigned by the Office of the Chief Judge to isolated communities that are not serviced by other regional centres.**

Justice North of 59: B.C.'s Northern Circuit Court

Atlin, Good Hope Lake, and Lower Post

Photo by Kimberly Wong

Every four months, a Provincial Court judge, lawyers and court workers fly to Whitehorse, Yukon, before returning to B.C. in rented SUVs to spend a week in B.C.'s northern circuit court.

Judge Russell MacKay says that, while the work is similar to the work he used to do in the Lower Mainland, the surroundings, people and protocols are utterly different.

"The landscape here is astonishing," says Judge MacKay describing Atlin, "towering mountains, gin-clear lakes and streams, bountiful wildlife and clean, richly oxygenated air."

The first sitting of the circuit takes place on Monday in Atlin. There are about 600 people in the area, including the Taku River Tlingit First Nation. Court is held in the historic old courthouse. "It features some interesting taxidermy in the hall corridor," says Judge MacKay. "I always feel as if I should enter the courthouse on horseback!"

The court party – including Crown and defence lawyers, two sheriffs, a probation officer, a clerk and various other court workers – usually has a pot luck dinner in the evening after court, featuring conversation, a rousing card game or the occasional ukulele sing-along.

On Tuesday, the party drives 5½ hours to Watson Lake, Yukon. Wildlife often appears along the Alaska Highway, such as an entire wolf pack that once crossed the highway in front of the court party.

From Watson Lake, the base for the remaining sittings, the party travels on Wednesdays to Good Hope Lake – a tiny First Nations community in the northern Rockies. As breathtaking as Atlin is, the community is more impoverished. Guilty pleas resolve much of the criminal list, with Crown and defence counsel applying restorative justice principles in a co-operative fashion.

On Thursdays, a short trip that often leads to encounters with bison on the road takes the court to Lower Post on the Kaska Dene First Nation reserve. Court takes place in the band administration office, refitted from the old residential school. The court sits around a large table in a boardroom, creating a more inviting atmosphere for the court process.

After court finishes in Lower Post, the party makes the six-hour drive back to Whitehorse and an overnight there before getting on a southbound jet.

Judge MacKay notes the warmth and hospitality he meets on the circuit. "In the two years that I have travelled up here, I have made many friends and been treated very well. I am very mindful of the fact that the court team is the 'face' of the Provincial Court and of the need to treat people with dignity, respect and compassion inside and outside the court. Every trip up north is a different adventure and has been a rewarding experience for me."

JURISDICTION OF THE PROVINCIAL COURT

Three courts serve the people of British Columbia, including two trial courts: the Provincial Court of British Columbia and the Supreme Court of British Columbia. The British Columbia Court of Appeal reviews cases from the provincial courts. (The Supreme Court and the Court of Appeal produce separate reports, available at the *Courts of B.C. website*.)

Port Coquitlam Courthouse

The Provincial Court's jurisdiction includes:

- **Adult criminal** – The Provincial Court's criminal jurisdiction extends to most matters that the *Criminal Code* states will be heard by a judge alone. The Court does not have jurisdiction to conduct jury trials. The Court has exclusive jurisdiction in all summary conviction trials and hears all indictable matters where the accused does not choose a Supreme Court hearing. Over 95 per cent of all criminal cases in B.C. are dealt with in the Provincial Court.
- **Youth criminal** – The Provincial Court hears cases under the *Criminal Code* or the *Youth Criminal Justice Act* involving youths from 12 to 17 years old.
- **Family law** – The new *Family Law Act* gives the Court extensive jurisdiction over many matters, such as child and spousal maintenance, parenting time and guardianship.
- **Child protection** – The Court has jurisdiction to hear child protection matters under the *Child, Family and Community Services Act*.
- **Civil claims** – The Court hears civil actions under the *Small Claims Act* involving a monetary claim of up to $25,000.
- **Traffic and bylaw matters** – The Court hears issues arising from municipal bylaws and the *Motor Vehicle Act*.

Appeals from Provincial Court decisions are heard, depending on the nature of the case, in the Supreme Court of British Columbia or the British Columbia Court of Appeal. Appeals of some Provincial Court cases may be taken to the Supreme Court of Canada, following the decision of the Court of Appeal of British Columbia.

For a glossary of many of the terms used in this report, please see the Justice Education Society's *Courts of BC website*.

JUDICIAL OFFICERS

The Provincial Court of British Columbia consists of the following judicial officers:

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

The next sections provide more detail about each group of judicial officers.

The Judicial Council of British Columbia has several duties in regard to judicial officers, including:

- Screening candidates for appointment
- Conducting inquiries regarding the conduct of judicial officers
- Considering proposals for improving judicial services
- Continuing the education of judicial officers
- Preparing a judicial Code of Ethics
- Reporting to the Attorney General on other matters

The *Judicial Council* produces an annual report on its activities, available on the website of the Provincial Court of British Columbia.

Fernie Courthouse

PROVINCIAL COURT JUDGES

The 104 full-time judges and 36 senior judges who sit part time make up the judicial complement of the Provincial Court. **Appendix 1** lists Provincial Court judges by region and status as of March 31, 2015.

Changes to the Judicial Complement

During the 2014/15 fiscal year:

- Four judges were appointed
- One judge passed away
- Ten judges retired
- Four judges elected to participate in the senior judges program, under which senior judges sit on a part-time basis

JUDICIAL RESOURCES

The judicial complement is based on the number of full-time and senior judges sitting as Provincial Court judges. Figure 2 outlines changes in the judicial complement over the past five years as at the end of each fiscal year, as well as the number of full-time and senior judges.

As of March 31, 2015, there were 104 full-time judges and 36 senior judges. One judge sits at 60 per cent time, for a total judicial full-time equivalent (JFTE) of 120.80. The total complement has decreased to its lowest point since March 31, 2011, at which time there were 111 full-time and 37 senior judges, for a total of 127.65 JFTEs.

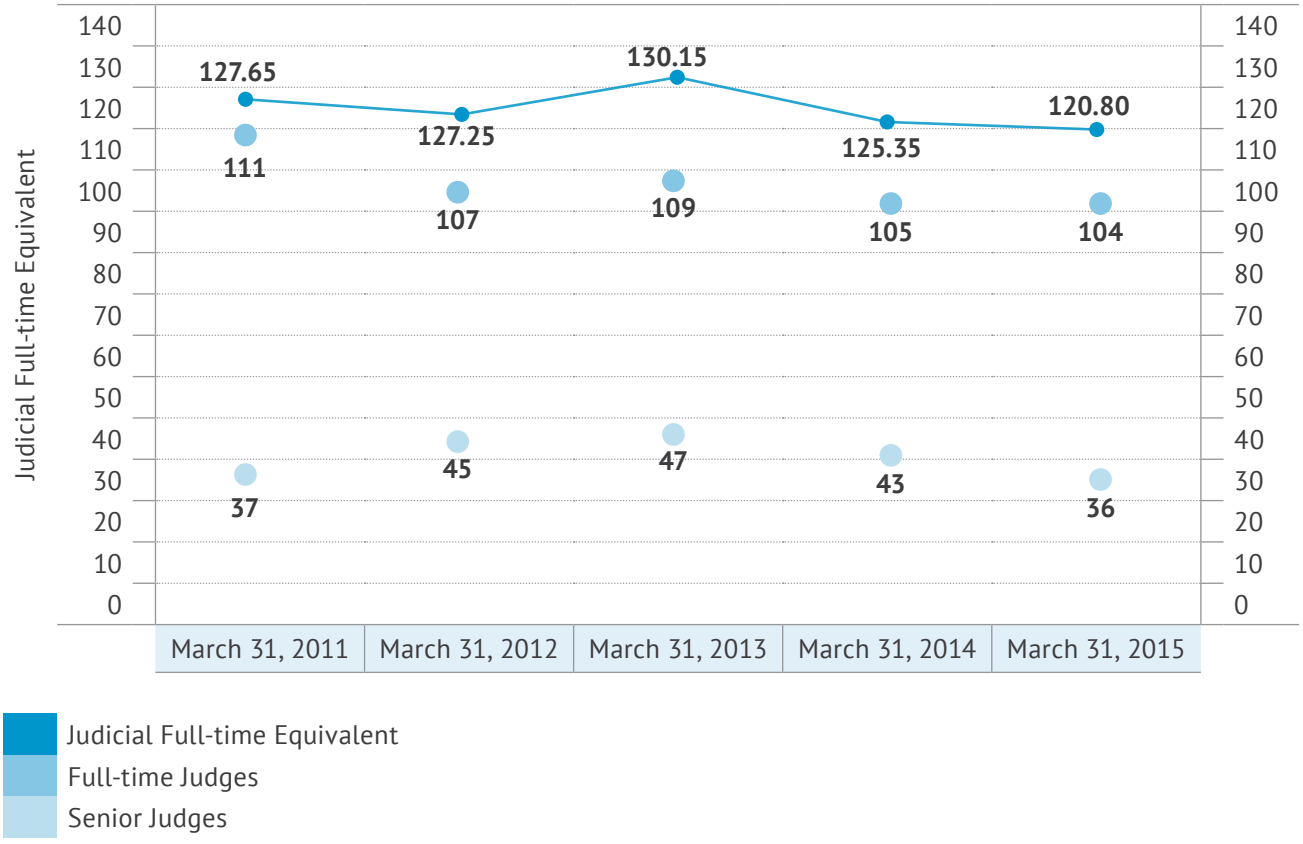
Table 1. Judicial Appointments, 2014/15

Judge	Judicial Region	Date
Judge E. Ritchie	Fraser	March 20, 2015
Judge B. Flewelling	Vancouver Island	December 5, 2014
Judge R. Browning	Fraser	October 31, 2014
Judge C. Rogers	Office of the Chief Judge	May 28, 2014

Table 2. Reductions in Judicial Complement, 2014/15

Judge	Judicial Region	Date	Reason
Judge A. Palmer	Vancouver Island	March 31, 2015	Retirement
Judge H. Seidemann	Northern	March 30, 2015	Senior Election
Judge D. Pothecary	Fraser	January 31, 2015	Senior Election
Judge B. Hoy	Fraser	January 31, 2015	Senior Election
Judge D. Stone	Fraser	December 31, 2014	Retirement
Judge W. Yee	Vancouver	December 31, 2014	Retirement
Judge A. Dohm	Vancouver Island	December 31, 2014	Retirement
Judge R. Caryer	Fraser	December 31, 2014	Retirement
Judge P. Hyde	Fraser	July 31, 2014	Retirement
Judge A. Ehrcke	Vancouver	July 7, 2014	Retirement
Judge D. Schmidt	Vancouver	June 11, 2014	Retirement
Judge J. Wood	Vancouver Island	June 9, 2014	Deceased
Judge W. Kitchen	Vancouver	May 6, 2014	Retirement
Judge B. Bastin	Vancouver	May 1, 2014	Retirement
Judge E. Bayliff	Northern	April 30, 2014	Senior Election

Figure 2. Total Judge Complement, 2010/11 to 2014/15



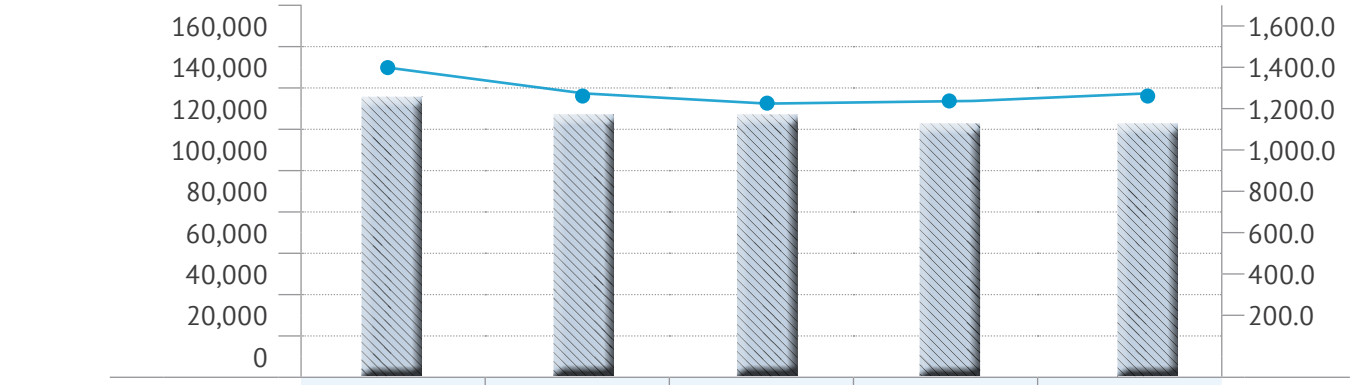
NOTE: Appendix 3 provides additional notes to the figure.

Prince George Courthouse

Figure 3 compares cases per judge over the past five years, based on the total number of new cases (excluding traffic and bylaw cases). The table includes the judicial complement as at the end of each fiscal year for reference.

Cases per JFTE have risen slightly since their lowest point in 2012/13 to the second highest point of the past five years. The reported number of cases per JFTE is affected by a change in the method of counting cases, and results will not match those previously reported. See **Appendix 3** for details.

Figure 3. New Cases and Cases per JFTE, 2010/11 to 2014/15



	2010/11	2011/12	2012/13	2013/14	2014/15
Cases Per JFTE	1,080.4	988.4	941.9	961.1	996.3
New Cases	137,919	125,774	122,587	120,479	120,356
JFTE	127.65	127.25	130.15	125.35	120.8

Appendix 3 provides additional notes to the figure.

COMPLEMENT DEMOGRAPHICS

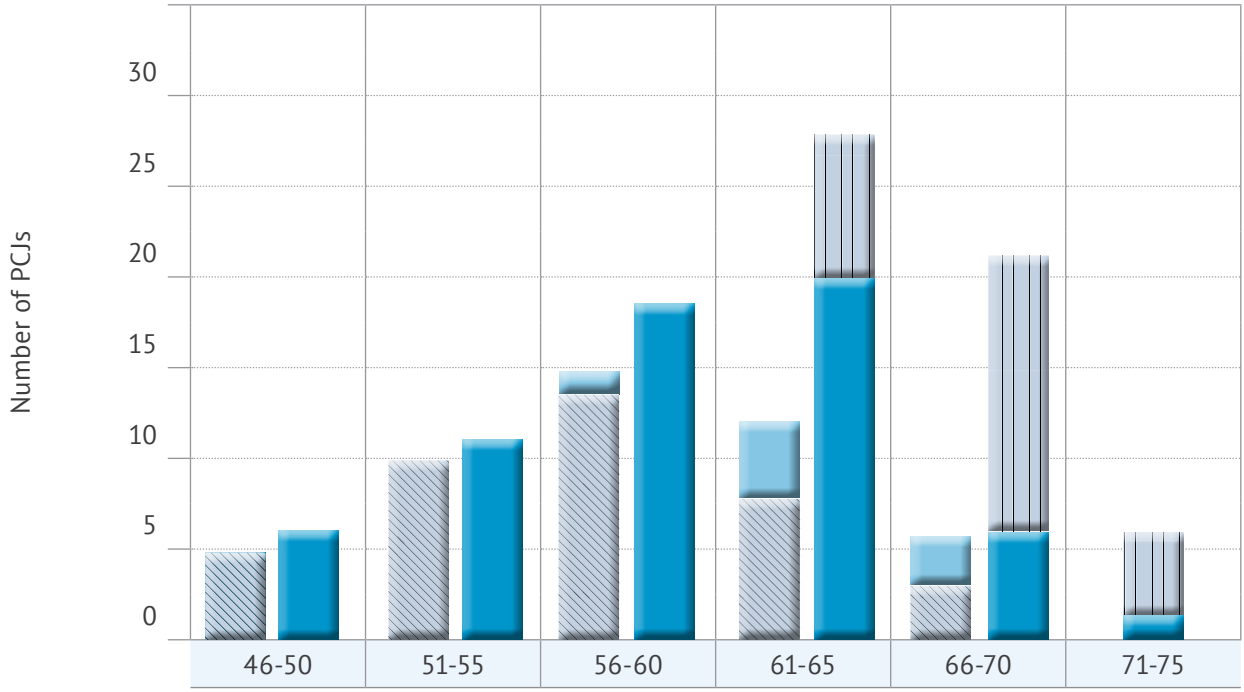
Male judges continue to outnumber female judges on the Provincial Court by 90 to 49, although female representation has increased in recent years. Three female judges and one male judge were appointed in the 2014/15 fiscal year.

Figure 4 shows the distribution of Provincial Court judges by age, gender and type, as at March 31, 2015.

Among older judges, most positions are held by males, many of whom have elected senior status. In order to be elected into the senior judges' program a Provincial Court Judge must have reached the age of 55 years and have at least 10 years of service as a full-time judge. The gender division is more even for younger, more recently appointed judges.

The average age of female Provincial Court judges is 59.4, compared to 62.2 for male judges.

Figure 4. Distribution of Active Provincial Court Judges by Age and Gender, as at March 31, 2015

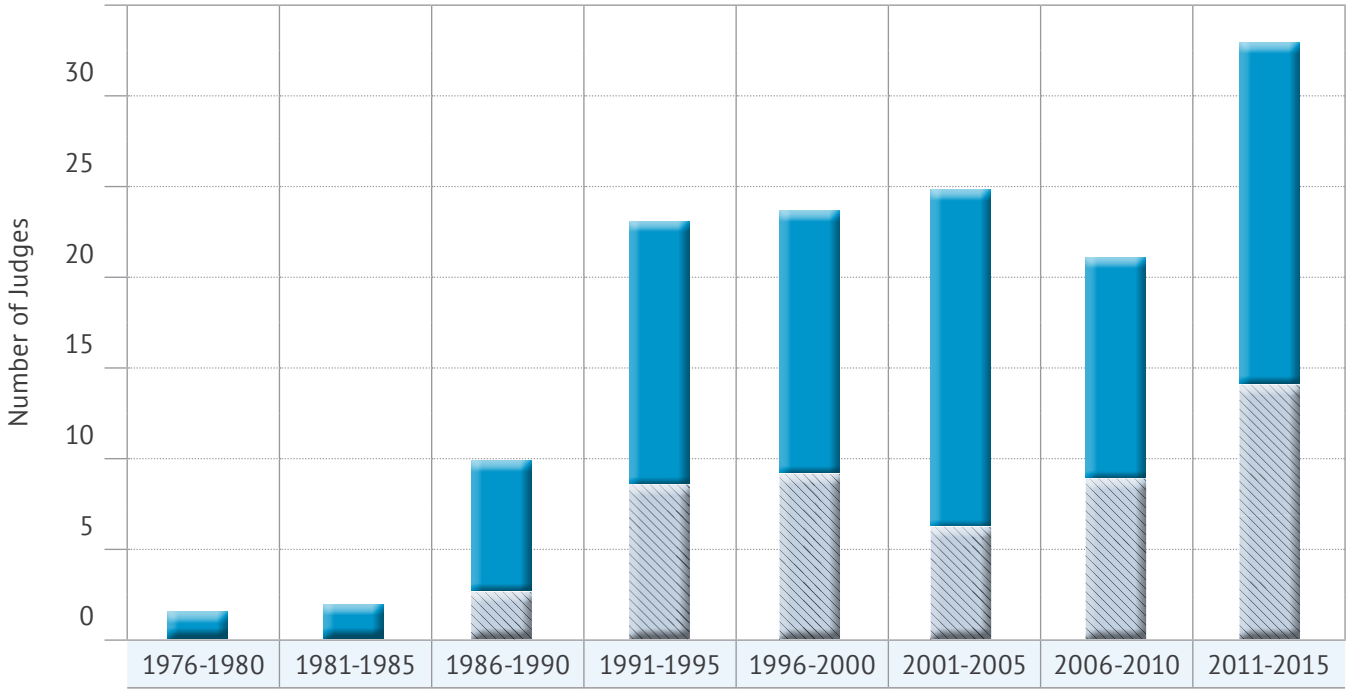


	46-50	51-55	56-60	61-65	66-70	71-75
Number of Judges in Each Age Group						
Female Full-Time	5	10	14	8	3	
Female Senior			1	5	3	
Male Full-Time	6	11	18	20	6	1
Male Senior				8	15	5

Appendix 3 provides additional notes to the figure.

Figure 5 shows active judges by gender and year of appointment.

Figure 5. Active Provincial Court Judges by Gender and Year of Appointment



	1976-1980	1981-1985	1986-1990	1991-1995	1996-2000	2001-2005	2006-2010	2011-2015
Male	1	2	7	15	15	19	12	19
Female			3	8	9	6	9	14

Appendix 3 provides additional notes to the figure.

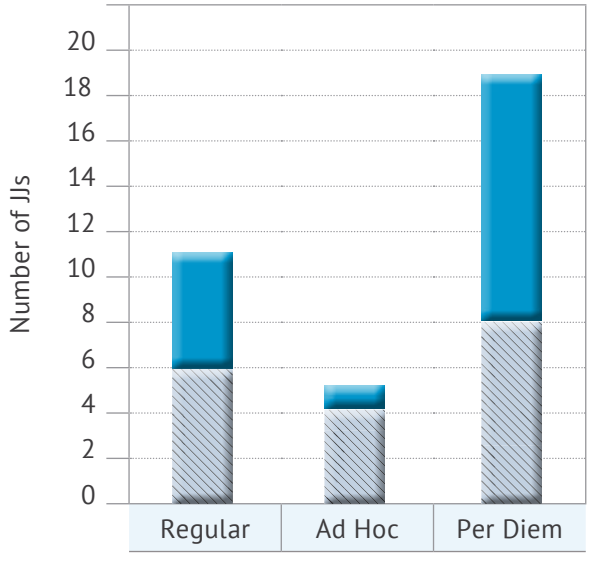
JUDICIAL JUSTICES

Judicial Justices (JJs) are appointed under the *Provincial Court Act*. Their duties include:

- Presiding over judicial interim release (bail) applications
- Reviewing search warrant and other applications
- Hearing bylaw, traffic and other provincial ticketable offences
- Presiding in one of B.C.'s problem-solving courts

Figure 6 outlines the complement of Judicial Justices as of March 31, 2014, including 11 full-time (including one on long-term disability) and 24 who work in a part-time capacity. **Appendix 1** lists Judicial Justices as of March 31, 2014.

Figure 6. Gender Distribution of Judicial Justices, 2014/15



	Regular	Ad Hoc	Per Diem
Male	5	1	11
Female	6	4	8

Quesnel Courthouse

Do judges give "light" sentences?

Abridged from a report in eNews, 10/02/15

Judges in B.C. courts impose hundreds of sentences every day. But they cannot sentence according to their feelings. The law limits sentencing decisions in many ways.

First, the *Criminal Code*, passed by the Parliament of Canada, sets out sentencing objectives that a judge must balance: denunciation, deterrence, protection of the public, rehabilitation, reparation, responsibility and respect for the law. It also states principles that judges must apply; for example, "an offender should not be deprived of liberty if less restrictive sanctions may be appropriate in the circumstances." When judges balance these factors, they may impose less severe sentences than they would if they considered only one factor.

The *Criminal Code* also establishes maximum sentences for some offences, but the maximum can vary in different conditions. For example, when the prosecutor chooses to "proceed summarily" with an auto theft charge, the maximum sentence possible is 18 months in jail, but if the prosecutor chooses to "proceed by indictment," the maximum is 10 years.

Sentencing judges must follow the decisions of appeal courts. They must also try to be consistent with other decisions in similar cases. If similar cases receive no more than a one-year jail sentence, a judge cannot impose a much longer sentence. A longer sentence will be reversed by an appeal court.

Media reports can give a misleading impression about sentences. They often omit details that were presented in court, or they may include facts that were not disclosed to the judge. Sometimes they do not include all aspects of the sentence, such as the credit required by the *Criminal Code* for time spent in jail before sentencing. Without reviewing the reasons given by a judge, it can be difficult to understand a sentence.

In many cases, judges give detailed explanations for their decisions. Check *Judgments & Decisions* on the Provincial Court website to read those reasons and understand the decision. See links to recently posted reasons on the home page. For more information on sentencing, see *FAQ* on the Court's website.

JUSTICE OF THE PEACE ADJUDICATORS

Justice of the peace adjudicators are senior lawyers, appointed as justices of the peace on a part-time (per diem) basis, to preside over simplified trials of civil matters at the Robson Square and Richmond court locations. As of April 1, 2015, there were 10 justice of the peace adjudicators.

Appendix 1 lists justice of the peace adjudicators as of March 31, 2015.

JUDICIAL CASE MANAGERS

Judicial case managers (JCMs) are responsible for scheduling court appearances, coordinating judges' sittings, conducting initial criminal appearances and managing the flow of cases. Reporting to the judicial case manager supervisor, they are instrumental in ensuring that judicial resources are effectively allocated and used in a manner consistent with the rules and policies of the Court. Judicial case managers hold a justice of the peace commission and exercise limited judicial functions as part of their duties.

As of March 31, 2015, there were 32 full-time and 11 part-time judicial case managers, as well as one auxiliary. **Appendix 1** lists judicial case managers as of March 31, 2015.

In addition to 140 Provincial Court judges, the Court's judicial officers included: **35** judicial justices, **10** justice of the peace adjudicators, **44** judicial case managers.

Rossland Courthouse

Salmon Arm Courthouse

THE COURT'S CASELOAD

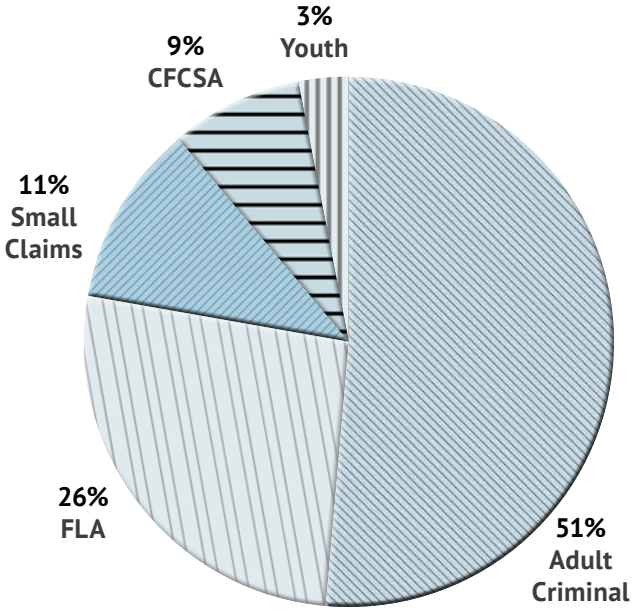
During the 2014/15 fiscal year, 120,356 cases were initiated in the Provincial Court, including adult and youth criminal; family, child protection and subsequent applications; and small claims.

The Court Services Branch implemented an improved method for counting cases in the 2014/15 fiscal year. As a result, figures from this report cannot be compared with those in previous reports. Historical data in the 2014/15 report are based on revised figures using the new methodology. **Appendix 3** explains the changed methodology.

Based on the new methodology, the total number of new cases increased by 14,655 cases (or seven per cent) from the 2013/14 fiscal year. Excluding 99,396 traffic and bylaw cases, the total number of new cases was 120,356.

Figure 7 indicates that criminal cases continue to represent the majority of new cases filed in the Provincial Court. Cases in the family division (*Family Law Act* or FLA, child protection cases under the *Child, Family and Community Service Act* or CFCSA, and subsequent applications under either act) collectively represent 34 per cent of Provincial Court caseloads in the 2014/15 fiscal year.

Figure 7. New Cases by Division, 2014/15



Division	# of new cases	% of new cases
Adult criminal cases	61,725	51%
Family Cases and Subsequent Applications under the *Family Law Act* (FLA)	31,453	26%
Small Claims Cases	13,479	11%
Child Protection Cases and Subsequent Applications under the *Child, Family and Community Service Act* (CFCSA)	10,187	9%
Youth Criminal Cases	3,512	3%

Figure 8 shows that the total number of new cases declined by 123 cases (less than one per cent) from the 2013/14 fiscal year. Declines in caseload were not found in all divisions of the Court, and some case types increased this year over last.

Figure 8. New Cases by Division, 2010/11 to 2014/15

	2010/11	2011/12	2012/13	2013/14	2014/15
Adult Criminal Cases	69,460	62,320	61,176	60,135	61,725
Family Cases and Subsequent Applications	35,396	34,729	33,640	31,363	31,453
Small Claims Cases	18,886	15,471	14,896	15,102	13,479
Child Protection Cases and Subsequent Applications	8,787	8,542	8,779	9,980	10,187
Youth Criminal Cases	5,390	4,712	4,096	3,899	3,512
Total Cases	**137,919**	**125,774**	**122,587**	**120,479**	**120,356**

THE JUSTICE CENTRE

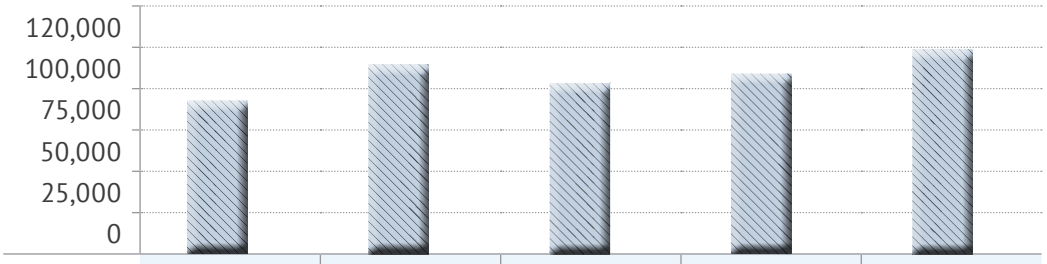
The Court operates a Justice Centre in Burnaby to provide 24-hour, seven-days-a-week access to judicial justices throughout British Columbia. Using sophisticated telephone and video conferencing methods, judicial justices at the Centre consider federal and provincial search warrant applications, and preside over bail hearings including telebail and videobail. Police throughout the province rely on the Justice Centre to obtain search warrants in a timely manner and bring people who have been arrested and detained before a judicial justice as soon as possible.

Approximately 25 judicial justices work through the Justice Centre, either on site or remotely. A full-time staff of 10, plus three auxiliaries, support the judicial justices. The Centre hears over 20,000 bail hearings per year, and over 6,000 applications for search warrants and production orders.

Figure 9 shows that the number of new traffic and bylaw cases increased by about 17 per cent over 2013/14.

REGIONAL DISTRIBUTION OF CASES

Figure 9. New Traffic and Bylaw Cases, 2010/11 to 2014/15



2010/11	2011/12	2012/13	2013/14	2014/15
72,946	91,735	81,699	84,618	99,396

Figure 10 shows the geographical distribution of new cases in the 2014/15 fiscal year. Caseloads were largest in the Fraser Region. (The OCJ region represents judges assigned by the Office of the Chief Judge to isolated communities that are not serviced by other regional centres.)

Figure 10. Distribution of New Cases by Geographical Region, 2014/15

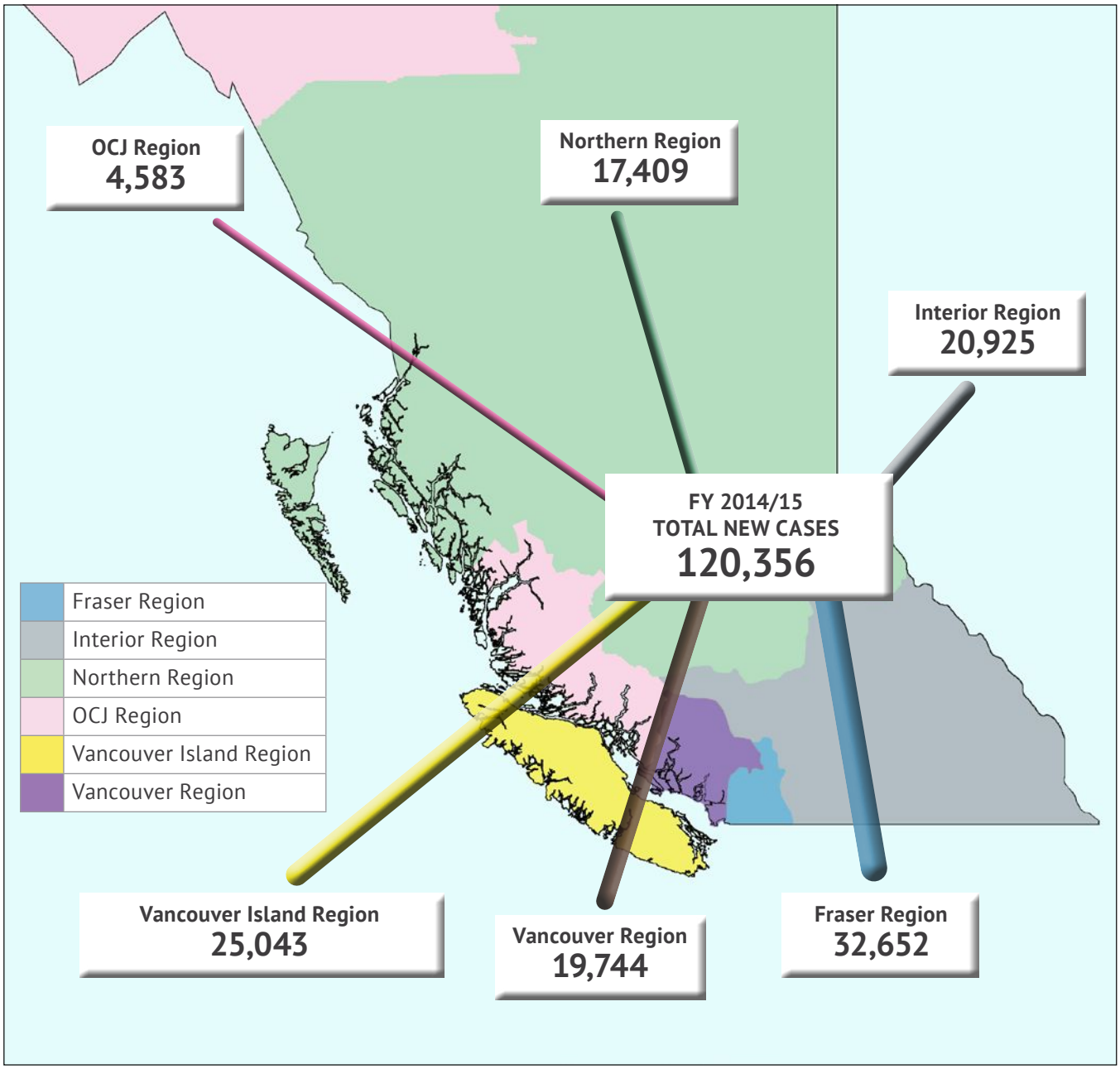
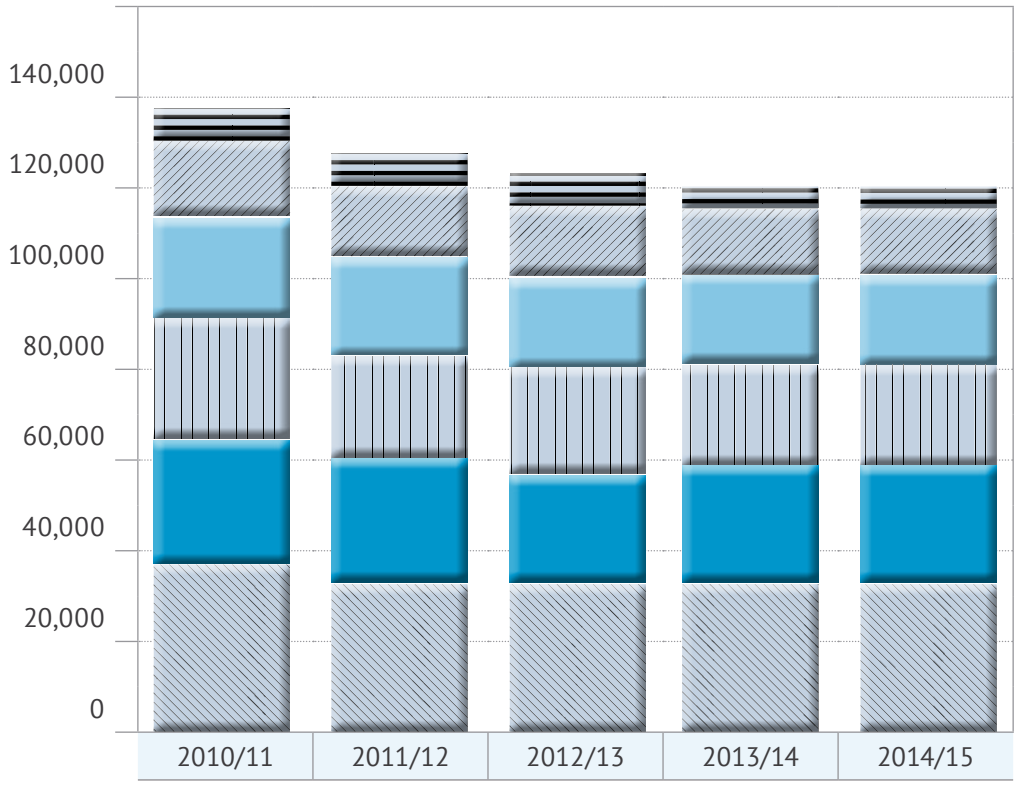


Figure 11 shows new cases by region over the past five fiscal years. Caseloads have been higher in the Interior Region than in the Vancouver Region for the past two fiscal years, reversing the trend in the previous three.

Figure 11. Distribution of New Cases by Geographical Region, 2010/11 to 2014/15



	2010/11	2011/12	2012/13	2013/14	2014/15
OCJ Region	4,941	4,667	4,708	4,427	4,583
Northern Region	18,537	17,256	17,166	16,627	17,409
Interior Region	23,909	22,009	21,193	21,100	20,925
Vancouver Region	25,611	22,869	21,602	20,926	19,744
Vancouver Island Region	27,840	25,341	25,135	24,710	25,043
Fraser Region	37,081	33,632	32,783	32,689	32,652
Total New Cases	137,919	125,774	122,587	120,479	120,356

Over the past five years:

- The number of new adult criminal cases rose 2.6 per cent compared to the previous fiscal year, while the number of new youth criminal cases declined 9.9 per cent.
- New cases under the *Family Law Act* increased 5.1 per cent, while subsequent applications under the Act declined 1.2 per cent.
- New child protection cases under the *Child, Family and Community Services Act* (CFCSA) increased 5.8 per cent, while subsequent applications under the Act increased 1.3 per cent.
- New small claims cases declined 10.7 per cent.

Appendix 2 presents five-year data for the numbers of new cases by court division.

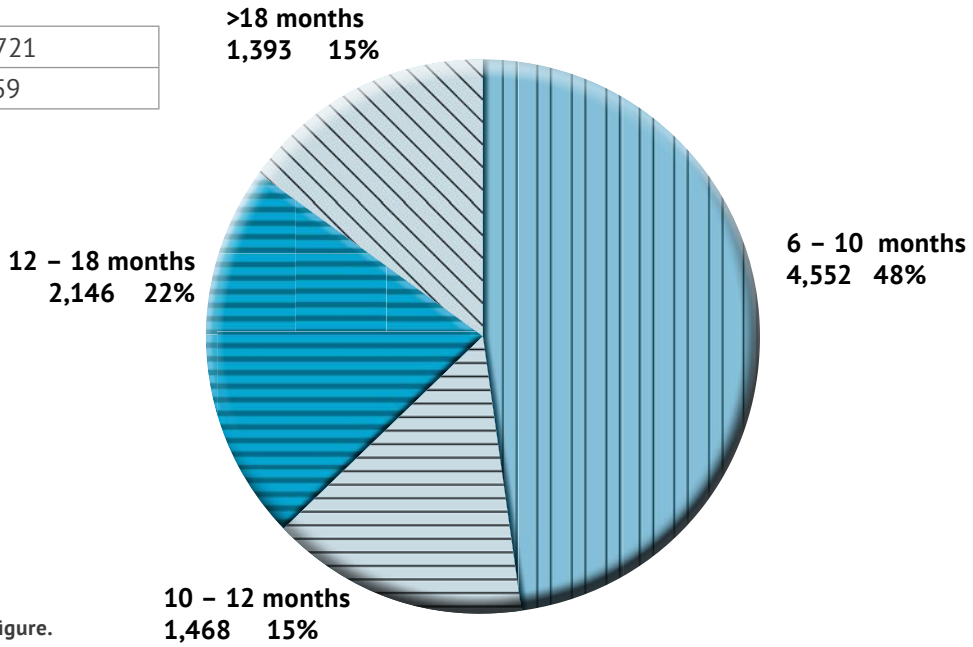
PENDING CRIMINAL CASES

A pending criminal case is a case that has not yet been completed and for which a future appearance has been scheduled. In criminal cases, the Court has set a standard for on-time processing at 90 per cent of cases concluded within 180 days. Beyond that time, cases may be subject to a stay of proceedings (i.e., termination by the Crown or the Court due to excessive delays). Improved data systems now allow tracking of pending cases based on net case age, excluding times during which a case is inactive.

Figure 12 shows the number of pending adult criminal cases in the Provincial Court system that exceed 180 days. On March 31, 2015, there were 22,721 criminal cases pending. Of these, 9,559 had a net case age greater than 180 days. Cases pending over 180 days amount to 48 per cent of pending cases, an increase from 46 per cent in the 2013/14 fiscal year.

Figure 12. Adult Criminal Cases Pending Over 180 Days, as at March 31, 2015

Total Pending Cases	22,721
Total Cases Over 180 Days	9,559

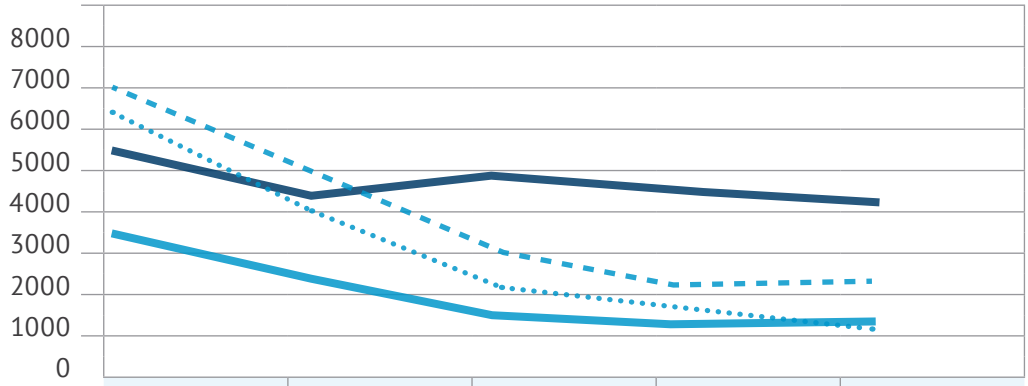


Appendix 3 provides additional notes to the figure.

As illustrated in Figure 13, the court's inventory of adult criminal pending cases has declined substantially over the past five years, particularly in the oldest age categories.

The Court's standard for on-time case processing with respect to criminal cases is for 90 per cent of cases to be concluded within 180 days (six months). Cases exceeding the standard may be vulnerable to a stay of proceedings (i.e., termination by the Crown or the Court due to excessive delays).

Figure 13. Pending Caseloads by Fiscal Year and Category, 2010/11 to 2014/15



	2010/11	2011/12	2012/13	2013/14	2014/15
6 – 10 months	5402	4805	4860	4666	4552
10 – 12 months	3496	2372	1869	1477	1468
12 – 18 months	6917	4695	3156	2247	2146
More than 18 months	5732	4417	2654	1879	1393

Appendix 3 provides additional notes to the figure.

Terrace Courthouse

PROVINCE-WIDE TIME TO TRIAL

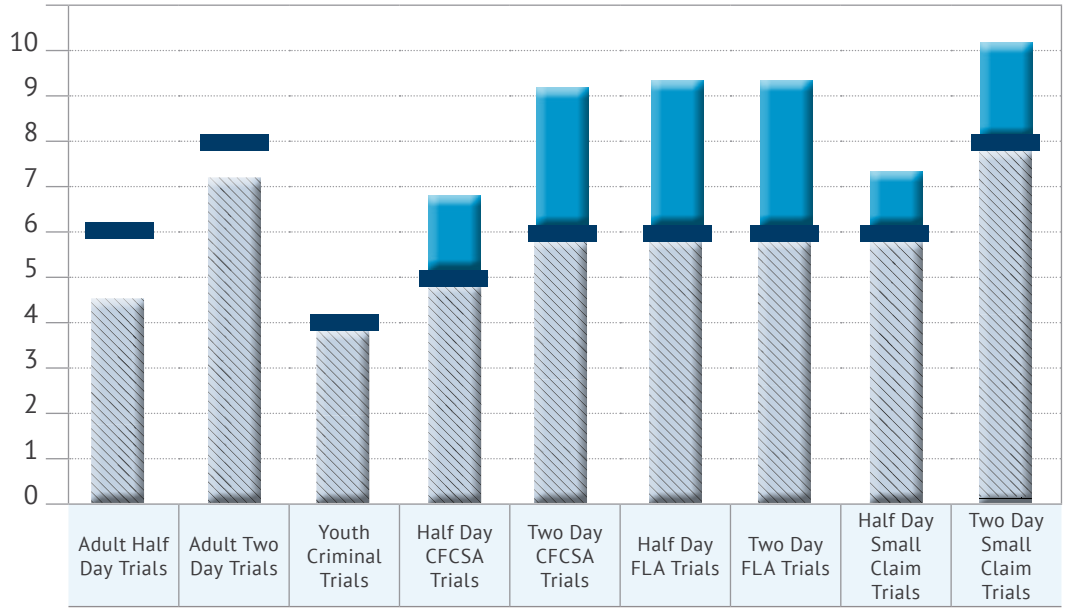
The Court determines available hearing dates through quarterly surveys of the "next available trial date." The most recent survey, as of March 31, 2015, has been used to generate weighted province-wide time to trial for each area of the court's jurisdiction.

The Court measures time to trial from the time a request or order is made for a conference or trial to be scheduled to the first available date for various types of proceedings. Cases currently waiting to be scheduled are also factored in to these estimates. As caseloads are the weighting factor, the change in the methodology for counting new cases affects the weighted time to trial results as well. Results may not match those reported previously. See **Appendix 3** for details.

In 2005, the Court endorsed a number of standards to measure whether cases were being scheduled for trial in a timely manner. To meet these standards, 90 per cent of cases must be at or below the listed time to trial.

Figure 14 shows a snapshot of weighted province-wide times to trial in months, as at March 31, 2015.

Figure 14. Province-wide Time to Trial by Division, as at March 31, 2015



	Adult Half Day Trials	Adult Two Day Trials	Youth Criminal Trials	Half Day CFCSA Trials	Two Day CFCSA Trials	Half Day FLA Trials	Two Day FLA Trials	Half Day Small Claim Trials	Two Day Small Claim Trials
Months over Standard	0.0	0.0	0.0	1.8	3.1	3.2	3.2	1.2	2.1
Time to Trial	4.5	7.1	4.0	5.0	6.0	6.0	6.0	6.0	8.0
Standard	6	8	4	5	6	6	6	6	8

Appendix 3 provides additional notes to the figure.

For the 2014/15 fiscal year, the Court met or outdid the time-to-trial targets with respect to criminal cases in most locations throughout British Columbia.

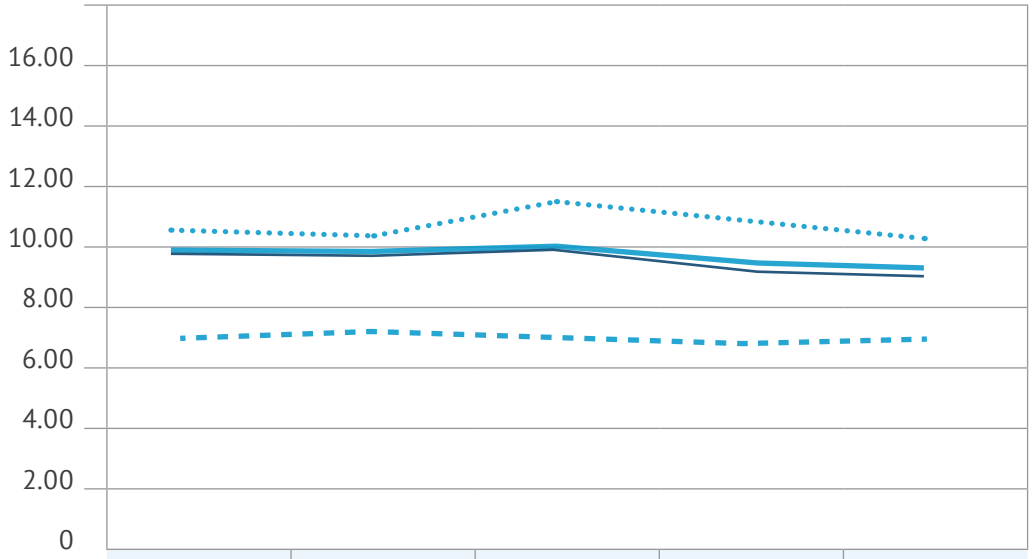
- Weighted time to trial (both half and two day) in adult criminal cases was within the standard for all regions of the province.
- Weighted time to trial in youth criminal cases was within standard in most regions, but slightly above in the Fraser and Vancouver Island regions.

Time to trial in family law, child protection and small claims cases continued to be above the standard in most regions of the province, as well as overall.

The time to trial for lengthy trials has decreased or held steady in all categories except small claims.

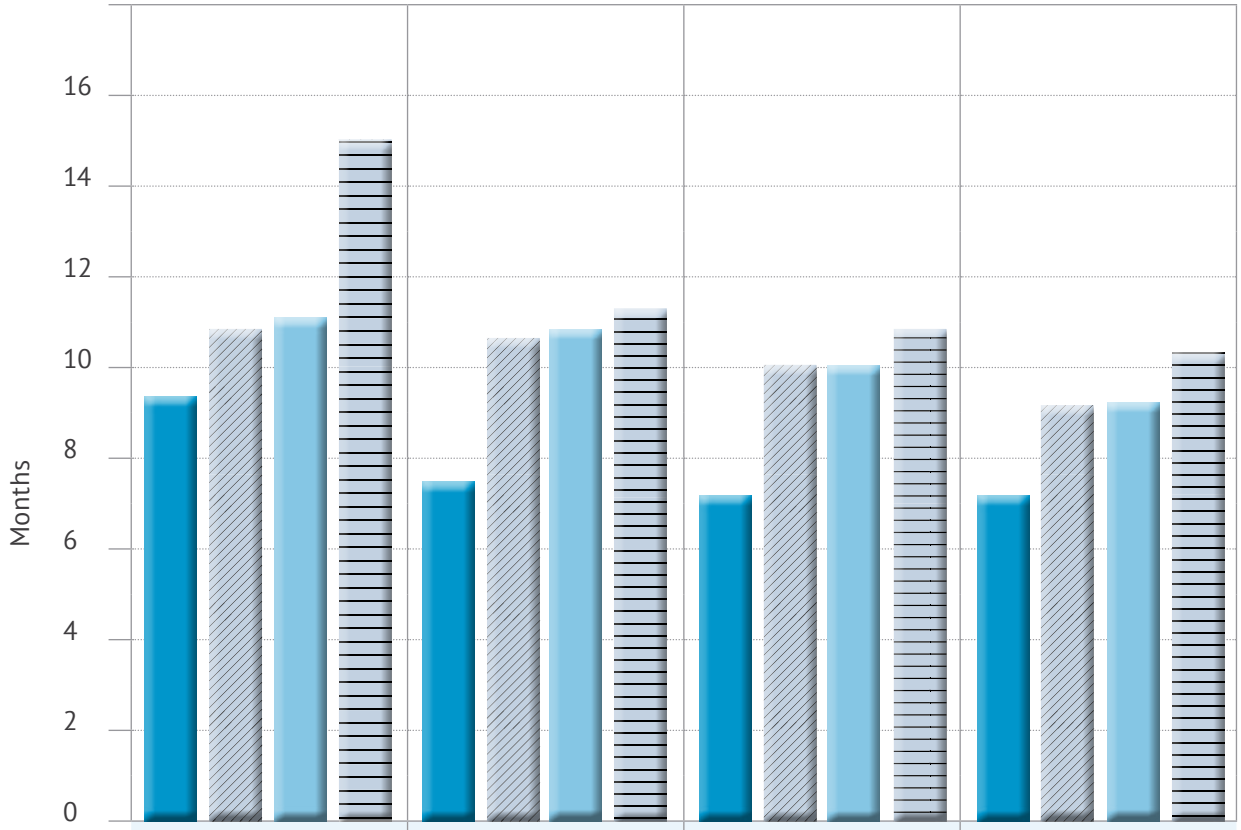
The Court will continue to focus efforts to reduce the time to trial in its non-criminal divisions. Regular updates can be viewed on the *Court Reports* page of the court's website.

Figure 15. Province-wide Time to Trial Over Time, 2014/15



	April 2014	July 2014	October 2014	January 2015	April 2015
Child Protection Two-day Trial	9.97	9.80	9.94	8.91	9.12
Family Two-day Trial	9.99	9.84	10.02	9.15	9.22
Adult Criminal Two-day Trial	7.15	7.28	7.17	7.08	7.15
Small Claims Two-day Trial	10.57	10.34	11.79	11.38	10.13

Figure 16. Province-wide Time to Trial Over Time, 2011/12 to 2014/15



	March 31, 2012	March 31, 2013	March 31, 2014	March 31, 2015
Criminal	9.3	7.5	7.1	7.1
CFCSA	10.6	10.5	10.0	9.1
FLA	11.0	10.6	10.0	9.2
Small Claims	14.7	11.3	10.6	10.1

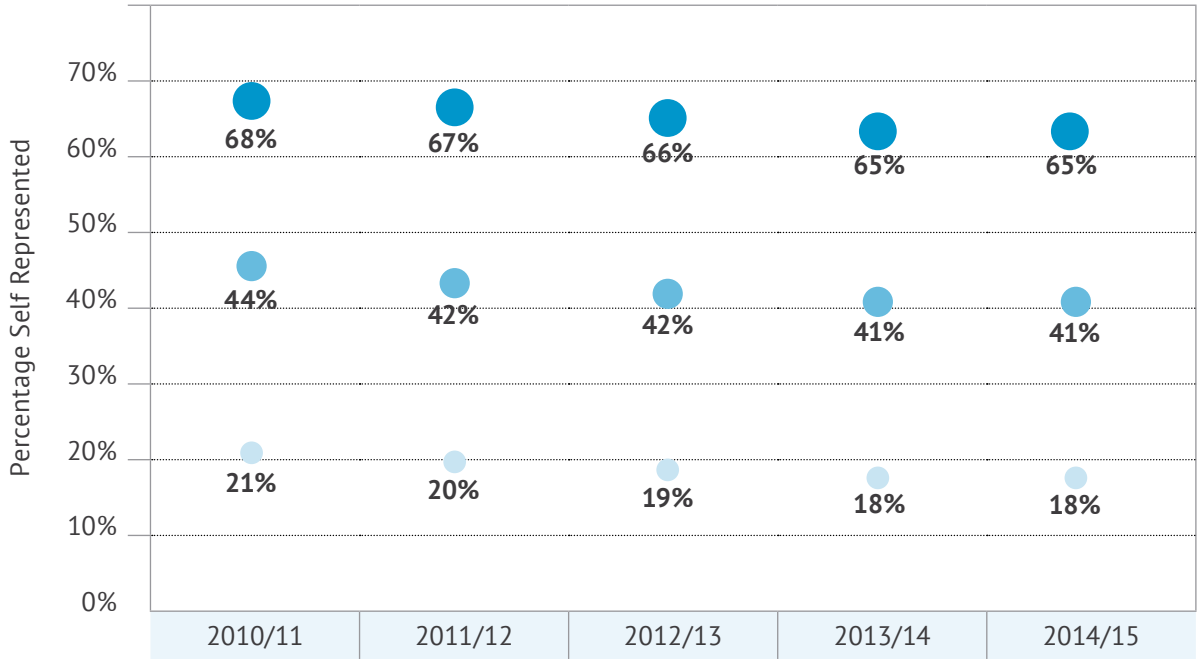
Appendix 3 provides additional notes to the figure.

ACCESS TO JUSTICE: SELF-REPRESENTED LITIGANTS

A self-represented appearance is one at which at least one party is not represented by counsel or agent. The Court saw 130,351 self-represented appearances during the 2014/15 fiscal year, 211 fewer than in the 2013/14 fiscal year. While the number of new cases in Provincial Court declined by 0.1 per cent, the number of self-represented appearances declined by 0.2 per cent.

Figure 17 shows the self-representation rate by division for the past five fiscal years. Self-representation rates declined between 2010/11 and 2013/14 and held between 2013/14 and 2014/15.

Figure 17. Self-Representation Rates by Division, 2010/11 to 2014/15



		2010/11	2011/12	2012/13	2013/14	2014/15
Small Claims	Self-represented	14,276	13,340	12,983	12,479	12,150
	Total Appearances	21,095	19,966	19,709	19,258	18,619
Family	Self-represented	25,886	24,135	24,005	24,180	24,488
	Total Appearances	58,714	56,786	57,569	59,606	60,095
Criminal	Self-represented	130,687	111,871	102,475	93,903	93,713
	Total Appearances	627,968	566,623	532,574	523,351	523,815

Appendix 3 provides additional notes to the figure.

Going to the dogs: Canine Assisted Intervention Dogs in the justice system

Abridged from a report in eNews, 24/03/15

Photo by Kim Gramlich

The first victim services dog in Canada, Caber, joined the Delta police department in 2010. Since then, the use of dogs in the Canadian justice system has grown. Caber is a fully trained Canine Assisted Intervention Dog, accredited through Assistance Dogs International (ADI). Six of these K-9 comforters now work in police victim services programs or at child advocacy centres in Canada.

Accreditation by ADI ensures that dogs are safe, stable, well-behaved and unobtrusive in a court setting. In the U.S., ADI-accredited dogs have been accompanying vulnerable witnesses during their testimony since 2003.

Delta police began using the yellow Labrador retriever to calm and comfort victims and witnesses in traumatic circumstances. Caber has now provided support to hundreds of people in crises and during investigations. Because of his specialized training, Caber qualifies for public access to buildings like courthouses through the *Guide Animal Act* of B.C. In 2013, Caber became Canada's first courthouse dog when he began to accompany witnesses in pre-trial interviews with Crown counsel and while they waited to testify in Surrey and Vancouver courts.

In 2014, Calgary's police victim services dog, Hawk, accompanied a child witness while she testified by closed circuit video from a witness room in the courthouse. Like Caber, Hawk is a graduate of the internationally accredited Pacific Assistance Dog Society. This month, Wren, a yellow lab who works with Edmonton's Zebra Child Protection Centre, sat with a child witness testifying in an Edmonton court room.

Assistance dogs, in the right circumstances, can help some witnesses take part in court processes that might otherwise be fearful, intimidating and cold. Where a judge finds that they could be helpful, they might appear more often in B.C. courts.

INNOVATIONS IN B.C.'S COURTS: ADDRESSING THE NEEDS OF PEOPLE IN BRITISH COLUMBIA

A fully functioning justice system is an essential element of a free and democratic society governed by the rule of law. The Provincial Court of British Columbia is committed to continually improving the justice system, with a focus on providing timely, effective and equitable justice for the citizens of the province. Several key initiatives began or moved forward during the 2014/15 fiscal year.

BACKLOG REDUCTION PROJECT

The Provincial Court Backlog Reduction Project (BRP) was a joint effort in the 2013/14 fiscal year between the Ministry of Justice and the Office of the Chief Judge to reduce current backlogs in criminal and child protection matters before the Provincial Court.

The Chief Judge of the Provincial Court and the Ministry agreed to target specific court locations with 170 additional judge sitting days, divided equally between criminal and child protection matters (i.e., 85 days each).

The project sponsors conducted an analysis of the project's outcomes in 2014/15. The analysis found that:

- Although changes in trial delay cannot be definitively or exclusively attributed to the BRP, the two test locations, Port Coquitlam and Surrey, reduced the backlog in criminal cases during and immediately after the period in which the project was active.
- The child protection project experienced more challenges and more mixed results than the criminal backlog reduction project. In some locations, delay was reduced during and after the project. In most cases, the reduction in delay was one month or less, and many locations showed no improvement.
- Factors such as the amount of notice needed for counsel to prepare for an early court date and the flexibility of scheduling court staff were key factors in reducing delays.
- Where many different parties are involved, as is the case with child protection matters, these factors present greater challenges. Where issues such as safe, permanent care of children are involved, case management can become particularly sensitive.
- In locations where the Court is less accessible by representatives who have to plan for travel to court, the backlog reduction project had limited impact.

Figure 18 summarizes the length of delay in the different BRP locations.

Figure 18. Length of Delay Before, During and After BRP

Criminal BRP Days		Delay (in months)		
		OCJ Standard 8		
LOCATION	DAYS USED	March 2013	December 2013	June 2014
Port Coquitlam	65	10	7	5
Surrey	20	12	8	9
Provincial Average		**7.5**	**6.8**	**6.8**

CFCSA BRP Days		Delay (in months)		
		OCJ Standard 6		
LOCATION	DAYS USED	March 2013	December 2013	June 2014
Port Coquitlam	20	10	9	8
Surrey	18	17	16	13
Nanaimo	16	9	9	11
Victoria	14	9	7	10
Terrace	8	8	12	9
Abbotsford	6	16	14	12
Robson Square	3	9	13	13
Chilliwack	1	11	14	12
Kelowna	0	6	6	8
Kamloops	0	8	10	8
Provincial Average		**10.5**	**10.1**	**9.9**

PROBLEM-SOLVING COURTS

B.C.'s Provincial Court faces a variety of challenges in responding to certain groups, particularly in relation to criminal cases. Through consultation and collaboration with social and health service agencies, the Court has developed several problem-solving courts to address the needs of First Nations communities and offenders with mental health and substance-abuse issues. Through these initiatives, the Court can address the needs of these groups in more effective ways throughout the province.

Domestic Violence Courts Project

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

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

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

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

In 2013 a similar court was established in Nanaimo through the collaborative effort of the local coordinating committee for domestic safety.

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

Drug Treatment Court of Vancouver

Created in 2001, the Drug Treatment Court of Vancouver (DTCV) is one of the busiest programs in Vancouver, with a fully integrated treatment program for all of its participants.

The DTCV provides an alternative to the regular criminal court process for individuals who commit drug offences or other minor *Criminal Code* offences arising out of their addiction to cocaine, heroin or other controlled substances.

The goal of the program is to help offenders achieve:

- Abstinence from drug use
- Reduced or eliminated future contact with the criminal justice system
- Improved overall well-being, including improved housing
- Employment and education
- Pro-social use of their time

For a minimum of 14 months, DTCV participants undergo a drug addiction treatment, which is supervised by a DTCV judge. The participants receive services from addiction counsellors, case managers, a psychologist, a physician who specializes in addictions medicine, a nurse and a financial assistance worker. Drug use is monitored through random urine screening. The participants move through four phases of the program (pre-treatment, recovery skills, stabilization and seniors group). At the end of the 14-month period, the participants may be eligible to "graduate" from the program and receive either a non-custodial sentence or have the Crown stay the charge.

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

- Abstained from consuming all intoxicants for the three-month period immediately prior to graduation
- Secured stable housing, approved by the DTCV judge
- Not been charged with a new criminal offence in the six months immediately preceding graduation
- Engaged in secure employment, training or volunteering for the three months immediately preceding graduation

In the 2014/15 fiscal year, the program received 62 new intakes. Monthly participation in the program totalled 50 to 52 people at a time.

Additional information about the Drug Treatment Court of Vancouver can be found on the *Provincial Court website*.

First Nations Court

Four First Nations Courts continue to operate throughout British Columbia:

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

A First Nations Court is developed in consultation with local First Nations, the community at large, the police, community corrections, Crown counsel, the defense bar, and many other support service groups such as the Native Courtworker and Counselling Association of British Columbia.

The approach of the First Nations Court is holistic, recognizing the unique circumstances of First Nations offenders within the framework of existing laws. The ongoing intent in the restorative approach is to address criminal matters for offenders with a First Nations background.

The Court provides support and healing to assist offenders in their rehabilitation and to reduce recidivism. It also seeks to acknowledge and repair the harm done to the victims and the community. The Court encourages local First Nations communities to contribute to the proceedings.

Discussions are underway with several communities regarding the development of First Nations Courts. The success of this initiative is due in large part to the effort of a number of stakeholders, including the community as a whole and Legal Services Society groups of the Court. The Court continues to work with stakeholders in the hope that this initiative will continue to evolve and the restorative approach will be adopted when appropriate to meet the needs of the communities.

Additional information regarding First Nations Courts can be found on the *Provincial Court website*.

Vancouver's Downtown Community Court

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

The community court attempts to prevent criminal activity and to address the risks posed by offenders, while also supporting their health and social needs, through a partnership of justice, social and health care services. Together, they provide a timely, coordinated and meaningful response to treating and sentencing offenders. The needs of victims of crime are also addressed with an onsite victim support worker available to provide information, support and referrals to programs and services.

In 2014, the Court received visits from a variety of individuals and groups interested in the innovative way in which DCC operates. This included a visit from

the Chief Justice of the Supreme Court of Canada; delegations from countries such as China, Japan, Colombia and Scotland; and visits from students attending several local post-secondary institutions.

DCC often collaborates with local agencies or businesses in creating a supportive community. For example, this year, a local business donated $1,500 to help provide bedding for clients recently released from custody to live in single room occupancy buildings, which no longer provide bedding to new residents. A local hotel now regularly provides gently used bedding to DCC, which program participants receive when they are released from custody into the community.

DCC continues to serve as a model from which specific innovations or programs may be adopted in other locations throughout the province.

Additional information about DCC can be found on the *Provincial Court website*.

Victoria's Integrated Court: Five years accomplished

Five years after being established, the Victoria Integrated Court (VIC) continues to focus on addressing the health, social and economic needs of chronic offenders; improving public safety; and holding offenders accountable for their actions in a timely manner.

In 2010, the Provincial Court responded to a community-led initiative to address street crime in Victoria by adopting an integrated approach to chronic offenders for offenders with mental health and substance-abuse issues. A small number of homeless people with mental health and substance abuse problems were responsible for many police encounters and court appearances. Integrated teams of police, health, social workers and community corrections service providers began to deliver emergency and health services to these people. VIC deals with people supported by one of these teams.

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

Teams including community outreach workers, social workers, probation officers and police meet regularly with the dedicated Crown counsel and defence counsel to plan support and supervision in the community. The teams closely monitor the participants and review them as needed in weekly meetings of the Court, a unique feature of VIC that contributes to its effectiveness.

For 2014/15, VIC continues to operate well above its capacity. Community teams supported 82 people in the Court, including 13 who are developmentally delayed and five who are brain injured, similar to prior years. Aboriginal people were significantly overrepresented, with 11 participants.

The high level of monitoring and support requires significant resources, including court time. As a result, VIC has been reducing the number of case reviews to focus on those where the greatest effect is expected. At the same time, the Court ordered a greater number of sentences (137) in 2014/15 than in 2013 (117).

In 2014, a master's thesis by two students of the School of Public Administration at the University of Victoria concluded that VIC provided benefits to the health care system and the administration of justice, including lowered costs and reduced recidivism. However, it noted the strain of a high case load, as well as the difficulty of drawing conclusions from the statistics available. A *program report* includes several stories of individuals who have benefited from the program, found housing and treatments, and ended criminal activities. More information and previous reports are available on the Court's *website*.

Victoria Integrated Court marks successes over five years

Abridged from a report in eNews, 31/03/15

Victoria's Integrated Court has accomplished five years of bringing together teams to support homeless offenders and keep them from reoffending (See the report on page 37). A recent report concludes that it has reduced recidivism and cut health care costs for the individuals who have been part of the program. The *program report* also tells the stories of some of those who have been through the program.

A repeat offender, M.R., had been hospitalized after offending behaviour and attended VIC on his release. His community team found him housing and developed a medication program. A worker met him at least five days per week and established a positive therapeutic relationship. Eventually M.R. was sentenced to probation and has not come before the Court again. In a note, he said, "They take into account the small life decisions and whereabouts instead of just dealing with the amount of time to be given. For example, [the time] while I was in hospital counted as time served!" M.R.'s community team observed a significant behavioural change in a short time under the VIC program.

Diagnosed as a severe disorganized schizophrenic, C.E. regularly used a psychiatric bed when he did not comply with his medication protocol. He was arrested for spitting on a police officer in 2010 and appeared in VIC later that year. An order crafted in VIC helped establish a support plan. C.E. struggled over the next year, but VIC reviews continued until C.E. began to receive consistently positive reports. He was last before the Court in June 2012. He now has stable housing, works in the community garden and is seeing his mother. He has opened up a bank account to save money.

R.D. has fetal alcohol syndrome disorder (FASD) and abuses alcohol and drugs. When she does so, she can become violent and engage in self-harm. She first appeared in VIC in April 2013, and has appeared frequently in the Court. However, she is starting to form positive relationships, particularly with her community supports. Unlike most offenders in traditional court, R.D. recently said: "I would like to come back. It helps me."

B.M., a young man with mental health problems, was abusing substances. He came to VIC in 2012 with six previous convictions and five more offences to be heard. Over numerous reviews, he struggled with his sentence for the following 18 months. He then successfully completed a full-time program in the Interior of British Columbia to deal with his substance abuse issues. In 2015, he returned to VIC after one year clean and sober. He was congratulated by the presiding judge and was given a round of applause by all in the court room.

PROVINCIAL COURT SCHEDULING PROJECT

The Provincial Court continued to develop and implement its new court scheduling system throughout 2014/15. The Court is leading changes to court scheduling in order to enhance the efficient, effective and equitable use of judicial resources and thereby improve access to justice.

Under the new system, the Court does not assign a case to a courtroom and judge until the counsel or litigants confirm they are ready and intent on proceeding. This will allow the Court to make better use of judicial resources when cases do not proceed to trial. In each court location:

- A judicial case manager (JCM) assesses the day's hearing list and determines the readiness and priorities of the cases.
- Counsel and litigants advise the JCM of their readiness to proceed when their case is called.
- If the case is ready to proceed, the JCM assigns the matter to an available trial court and judge.
- If the case is not ready to proceed, the JCM advises on next steps, including putting the case before a judge where required.

On July 2, 2014, in Port Coquitlam, the first of seven Assignment and Summary Proceedings Courts began operation, and on March 2, 2015, the last location became operational in Surrey. The processes are now in operation in British Columbia's seven largest court locations: Port Coquitlam, 222 Main Street and Robson Square in Vancouver, Victoria, Kelowna, Abbotsford and Surrey.

In January 2015, the Court completed roll-out of the Provincial Court Scheduling Software (PCSS) to judicial case managers as a tool to support court scheduling. In February 2015, judicial administrative assistants began using the new software and, in March 2015, staff and judicial justices at the Justice Centre began using the software. Piloting of the software and a roll-out to judges began later in the spring of 2015, and the project will be completed during the 2015/16 fiscal year.

Proceeding rates have generally been higher under this model, and delays for lack of court time have been reduced. However, definitive conclusions are not yet available because some locations have only recently implemented the model.

INTERJURISDICTIONAL SUPPORT ORDERS ACT REFORM

Judges of the Provincial and the Supreme Courts and staff from the B.C. Ministry of Justice began implementing a process to help parents who live in different jurisdictions reach an agreement on child support. In the pre-court process, interjurisdictional support order (ISO) staff will work with parents to seek a settlement and, where an agreement cannot be reached, to prepare materials so that issues can be decided in a single court appearance.

By ensuring that the applicant and the respondent present case materials in a consistent and thorough manner, fewer adjournments will be needed. Under the new process, when new incoming ISO cases are received, ISO workers, counsel and a registrar will be involved in organizing and submitting the material provided by the parties and in obtaining any additional material so that the Court has all the information needed. Standard form orders will help ensure timely preparation of child support decisions.

Legal counsel, appearing as *amici curae*, will also be available in person to assist the Court at Surrey and Robson Square, and at other large courthouse locations in the future. Elsewhere, the *amici* will appear via video (or by phone where video is not available), and the judge and the respondent will be in person.

Discussions on the ISO process began in 2013, with implementation beginning in 2014. A review process will monitor the outcomes of the project and identify any changes needed.

VIDEO APPEARANCES

To accommodate remote bail hearings, the Court continues to use video technology that connects the Justice Centre in Burnaby to other locations where links have been established. Video technology also allows judicial case managers and judges to hear preliminary matters from a remote location. Video technology allows most court locations throughout the province to accommodate remand appearances and bail hearings by persons charged with an offence appearing from a remand or custody centre.

In 2014/15, the use of video technology saved 22,968 prisoner transports for persons required to appear in court for preliminary matters. Over the past year, video equipment was purchased in preparation for expansion at nine court locations and the replacement of one jail unit. Infrastructure appliances, software licenses, support and services were purchased to support the current videoconference network and increase its security. The Court continues to believe that video in all staffed courthouses and most circuit locations would enhance access to justice and save operational expenses by reducing prisoner and witness transport costs.

UNIVERSITY OF BRITISH COLUMBIA (UBC) PETER A. ALLARD SCHOOL OF LAW INTERN PROGRAM

Since January 2007, the Court and the University of British Columbia Allard School of Law have partnered in the delivery of a judicial internship program for third-year law students (eight students in each of the fall and winter terms). The program provides an opportunity unique among Canadian universities for students to spend an entire law school term working with the Provincial Court judiciary throughout the province on an array of legal subject areas and issues. The students earn credit towards their academic law degrees from their work with the Court.

The program exposes students to all areas of the court's work: criminal, family, youth, child protection and civil matters. The interns' work comprises not only legal research pertaining to issues at the judges' request, but also the observation of trials and other court processes and the discussion of issues with the judges of the Court.

Of particular note, and a very rewarding part of the program for the student interns, is that each intern participates in a circuit court. Each student accompanies a presiding judge and the court party to a remote registry in British Columbia in order to witness the delivery of justice first hand throughout the province. The circuit court program broadens the students' education, exposes them to legal practice outside the Lower Mainland and offers insight into the Court as a "problem-solving" court that operates in geographic areas with significant variations in its extra-legal resources.

The benefits of the intern program were described by Professor Sharon Sutherland in an article in *The Advocate*, Vol. 67, Part 3, May, 2009. The Court has been very fortunate to receive ongoing funding from the Law Foundation of British Columbia to cover the costs of intern travel and accommodation while on circuit, and gratefully acknowledges its contribution in that regard.

RELOCATION OF THE OFFICE OF THE CHIEF JUDGE

A major milestone during the 2014/15 year was the relocation of the Office of the Chief Judge to the Robson Square courthouse.

For approximately 20 years, the office operated out of the TD Tower, a bank building located at 700 West Georgia Street in Vancouver. When Judge Thomas Crabtree was appointed as Chief Judge, he signalled an intention to relocate the office to a functioning courthouse. On July 1, 2014, that vision became reality.

The relocation resulted in savings of almost $400,000 per year. It also allows the office to work more closely with the other levels of court and others in the justice system.

The Court would like to recognize the hard work that many individuals devoted to the project, in particular:

- Associate Chief Judge (now Regional Administrative Judge) M. Brecknell, who spearheaded the initial stages of the project
- Facilities and Conference Coordinator Elisa Silvestrini, who managed the project on a day-to-day basis
- IT Manager Nick Chan and his team, who dealt with the infrastructure requirements of the project, and in particular the new server room

The Office of the Chief Judge held several open houses, allowing visitors to tour the new office and connect personally with those in the office. Visitors had very favorable remarks about the new location.

Photos: Barbi Braude

COMMUNICATION INITIATIVES

The Court launched several initiatives in the 2014/15 fiscal year to help meet its goals of accessibility and openness.

REDESIGN OF THE COURT'S WEBSITE

The *court's website* provides useful information about the Court and its work, as well as news, resources and links for the public, lawyers and people appearing in court. It also provides easy access to the Court's *judgment database* on CanLII (Canadian Legal Information Institute), where Provincial Court decisions from 1991 onwards can be found.

Judge Ann Rounthwaite, a senior judge of the Provincial Court, acts as website editor and led the update and ongoing improvements.

In December 2014, the Court launched an updated website, including:

- Updated information on legislation, resources and court data
- Simpler language and navigation around the website
- Specific guidance for groups of users, such as *media*, *teachers and students*, *lawyers*, and *people appearing in court* as parties or witnesses
- New resources to help people who are representing themselves in court
- Information and videos about innovations in the Court's service

Website revisions have continued, using data from a survey on the website. Changes in spring 2015 included:

- More information and links for settling disputes out of court (*alternate dispute resolution*)
- User-friendly "how to" resources for *Family* and *Small Claims court matters*
- A legal research *primer* and a *guide* to help people find Provincial Court decisions on the CanLII database
- Suggested wording for *court orders* under the *Family Law Act*
- A full list of *judges*' names for each region
- A revised list of *links*, organized by topic with descriptions of what the link offers

The number of visits to the Court's website totaled **250,509** in 2014/15, including **1,114,355** page views. Most users were Canadian, but over **1,000** came from other countries.

The number of visits to the Court's website has doubled over the last three years, reaching 250,509 in 2014/15. The Court's website received over one million visits to individual pages in the 2014/15 fiscal year (1,114,355 page views).

While most users were Canadian, over 900 were located in the US, and 25 to 100 were located in each of the UK, India, Mexico, Australia, China (including Hong Kong) and the Philippines. Following launch of the eNews service in January 2015 (see below), the website saw an all-time monthly high of 27,000 visits, increasing to 28,000 in March.

ENEWS

The Court began an online news service in January 2015, issuing short news bulletins at *www.provinicalcourt.bc.ca/eNews*. With articles appearing weekly, eNews provides insights into how the Court works, as well as its innovations and judicial processes. From time to time, it also features less well-known aspects of judicial duties, such as circuit courts, judges' volunteering for Law Week or swearing in municipal councils. eNews articles range from detailed descriptions of problem-solving courts like the Victoria Integrated Court and a series on domestic violence courts to stories on canine assistance dogs in court and judges travelling to remote parts of the province by floatplane or four-wheel-drive vehicles.

TWITTER

The Court also began sharing news on Twitter in December 2014 with the username @BCProvCourt (*twitter.com/BCProvCourt*). The initiative allows the Court to share frequent updates about B.C.'s justice system, recent judgments, education resources and other stories.

The Court has received positive comments for this outreach and the number of Twitter followers is steadily increasing. One recent tweet pointing to the success of the Victoria Integrated Court was shared by international justice organizations, resulting in over 6,000 people learning about the work of the Court.

Writing reasons for judgment simply is not easy

Abridged from a report in eNews, 09/06/15

When judges write reasons for judgment, they try to explain what they are doing and why as clearly as they can. But this is not a simple task. Judges must tell those affected why the decision was made; account to the public for their decision-making; and permit effective review by an appeal court.

Judges' reasons should demonstrate that they have considered and properly assessed all the relevant evidence and applied legal principles properly. If a judge doesn't mention a legal issue or analyse it correctly, the decision can be overturned by an appeal court and the parties may have to undergo a second trial.

Judges also try to accomplish other things in the way they word their reasons. They choose language and tones that show respect to the people involved. They phrase things sensitively to avoid further hurt to vulnerable people. They include encouragement to make positive changes. And particularly in family and civil court they may also try to express themselves in ways that help to repair relationships and inspire parents to co-operate for their children's benefit. Explaining how legal concepts apply to particular facts in plain language and with sensitivity can be very challenging.

Judges also work under time pressures. The people affected want to know the decision as soon as possible. To save them from having to return to court, judges will often review the issues at the end of a trial and give oral (spoken) reasons. Although spoken reasons are digitally recorded, those recordings are not usually put into written form. However, if a written record of spoken reasons is required, a transcript can be obtained. A few of the decisions in the online collection of B.C. Provincial Court judgments are transcribed from spoken judgments.

In cases where judges need longer to think about the right decision, to do legal research, or to prepare clear, complete and persuasive reasons, they will "reserve" judgment and draft written reasons to be provided at a later date. Most of the judgments published in law reports and online databases are written judgments.

Whether their reasons are spoken or written, judges take care to make them understood by the people they affect. B.C. Provincial Court reasons for judgment can be found on the court's website at *Judgments & Decisions* or on *CanLII*, the Canadian Legal Information Institute database.

THE PROVINCIAL COURT'S COMMITTEE WORK

Several committees, in addition to the governance committees described in Appendix 4, provide advice and assistance in the work of the Court and its officers.

ACCESS TO JUSTICE

Leaders from British Columbia's justice system created a B.C. Access to Justice Committee in 2014 to find ways to remove barriers to justice. Despite many reports describing problems in access to justice, little improvement has been seen. *Canada's Action Committee on Access to Justice in Civil and Family Matters* concluded that the reason for this lack of progress is that no one department or agency has sole responsibility for the delivery of justice. The Action Committee report said that the solution lies in better coordination of those responsible for the justice system.

To address the lack of progress, members from the government, the bench, the bar and other justice organizations will meet to collaborate on justice reform projects. The B.C. Access to Justice Committee will identify priorities for action to respond to unmet legal needs and identify expertise within the sector for carrying out these priorities. By coordinating activities, the committee hopes to lessen the tendency of the justice sector to operate in silos.

JUDGES' EDUCATION COMMITTEE

The education committee of the Provincial Court Judges' Association, with support from the Office of the Chief Judge, plans and organizes two education conferences each year for the judges of the Court. These conferences help judges inform themselves about changes in the law and judicial practice.

In the 2014/15 fiscal year, the committee members were:

- Judge R. Bowry (Chair)
- Chief Judge T. Crabtree
- Judge H. Dhillon
- Judge P. Janzen
- Judge T. Wood
- Judge M. Shaw
- Judge J. Bahen
- Judge S. Frame
- Judge R. Harris

The spring conference in May in Whistler presented an assortment of issues in family and criminal law. The keynote address, by Mr. Justice Thomas Cromwell of the Supreme Court of Canada, treated a topic that was well received by its audience, "In Praise of Trial Judges." The following day, judges took part in a wellness session for those who spend time sitting during their work day, led by Tanja Shaw from Ascend Fitness and dietitian Sharon Fast.

The fall conference in Vancouver focused on topics related to sentencing. Attendees heard a thoughtful and amusing presentation from Judge Steven Point with his reflections on being a judge, treaty commissioner, Lieutenant-Governor and judge again. The conference ended with a lively debate on the victims of crime surcharge.

Other sessions at the judges' education conference included:

Spring Conference	Fall Conference
❍ Sufficiency and correctness of reasons ❍ Oral reasons from the bench: Developing a framework ❍ The evolving law under the *Youth Criminal Justice Act* ❍ Child support: The landmark cases ❍ The *Family Law Act* a year later ❍ A primer on employment law ❍ An update of appellate decisions in criminal law	❍ Opportunities to arrest discriminatory patterns of imprisonment, a keynote address by Kim Pate ❍ The operations of adult custody and community corrections, a presentation from the Corrections Branch ❍ Women behind bars: Orange is not the new Black, a presentation by Laura Stone ❍ Special considerations in youth sentencing, presented by Professor N. Bala ❍ A presentation by the Vision Quest Recovery Society ❍ Mandatory minimums, presented by Andrew Nathanson ❍ The online Law Library resources available to judges, presented by Lesley Ruzicka, executive officer of the Courthouse Libraries of British Columbia

JUDICIAL JUSTICES' EDUCATION COMMITTEE

The Judicial Justices' Education Committee, chaired by Judicial Justice Hunter Gordon, creates education programs for judicial justices in their adjudicative duties. In conjunction with Judicial Justice Kathryn Arlitt and the Office of the Chief Judge, it organizes fall and winter conferences, as well as evening programs, that give judicial officers a knowledge base and a forum for discussion about common legal issues.

The fall 2014 conference, held in Vancouver, devoted a full day to mental health issues and Vancouver's Downtown East Side, including special issues that arise at bail hearings. Speakers included a Provincial Court judge and representatives of defence and Crown counsel, the Downtown Community Court, the Vancouver Police Department, and doctors from it B.C.'s provincial Forensic Psychiatric Services. Covering other topics, a panel of Crown and defence counsel from both the Vancouver and Fraser regions discussed bail conditions and consent releases, and Chief Judge Crabtree gave a presentation on judicial ethics.

The spring 2015 conference in Whistler covered a range of issues.

- The conference was opened by Chief Marilyn Slett of the Heiltsuk Nation in B.C.'s Central Coast area. It included a panel on the circuit court serving Bella Bella, Klemtu and Bella Coola, with speakers representing defence and Crown counsel Heiltsuk Nation counsel, the restorative justice co-ordinator and a Provincial Court judge.
- Crown counsel Gillian Parsons gave a presentation on current firearms law as it relates to bail and search warrants.
- RCMP specialists demonstrated different types of firearms and how to distinguish restricted from prohibited weapons.
- Judicial Justice Anna Maya Brown and Provincial Court Judge M. Gillespie reviewed the amendments to production orders arising from Bill C-13, relating to online crime.
- Professor Micah Rankin, from Thompson Rivers University, led a session on the confession rule relating to the decision of R. v. Poonia, 2014 B.C.J. No. 2092.
- Representatives from ICBC and RoadSafetyBC gave a presentation on the traffic-ticket-related points system relating to R. v. Barta, 2014 BCSV 1946.

Evening speakers in the 2014/15 fiscal year included Appellate Court Justice David Frankel, presenting his yearly discussion on current issues at the higher court level relating to search warrants. In addition, Bronson Toy, previously a judicial justice and now counsel for the City of Vancouver, spoke about his role as intervener for the Police Chiefs of Canada in the matter of *Kevin Fearon v. Her Majesty the Queen, SCC 35298.*

CRIMINAL LAW COMMITTEE

In February 2015, the Chief Judge announced the formation of the Criminal Law Committee. The mandate of the committee is to update members of the Court on the frequent legislative and case law changes in the criminal law and to provide advice and assistance to the Chief Judge and the Court on those criminal and regulatory matters in the court's jurisdiction.

The members of the committee are:

- Judge A. Brooks (Chair)
- Judge C. Bagnall
- Judge R. Harris
- Judge C. Cleaveley

- Judge D. Weatherly
- Judge B. Craig
- Judge G. Koturbash
- Judge M. Gillespie
- Judge C. Rogers

The inaugural meeting of the committee will be held on May 8, 2015. Frequent meetings in the near future are planned in order to set the course of the work of the committee.

FAMILY LAW COMMITTEE

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

Members of the committee are:

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

In the 2014-15 fiscal year, the committee undertook activities including:

- Revising standardized *Family Law Act* orders
- Reviewing best practices for conducting Notice of Motion hearings
- Considering the Justice Summit on Family Law Proceedings
- Advising on a practice direction for emergency after-hours applications
- Advising on Hague Convention protocol issues
- Surveying judges and preparing best practices guidelines for conducting family case conferences by electronic means
- Responding to queries raised by members of the Court

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

CIVIL LAW COMMITTEE

The Civil Law Committee provides advice and assistance to the Chief Judge and the Court on matters relating to the court's jurisdiction in civil law and procedure. The committee considers matters referred to it by the Chief Judge or the Governance Committee, and reports to the Chief Judge.

The members of the Civil Law Committee in 2014/15 were:

- Judge J. Milne (Chair)
- Associate Chief Judge N. Phillips
- Judge J. Challenger
- Judge K. Denhoff
- Judge S. Frame
- Judge J. Lenaghan
- Judge D. Senniw
- Judge G. Sheard

In the 2014/15 fiscal year, the committee met to consider self-represented litigants in Small Claims Court and the implementation of the Civil Resolution Tribunal, as well as a number of other matters.

FINANCIAL REPORT

Table 3. Provincial Court 2014/15 Financial Report

	Budget	Actual	Variance	
Salaries	$39,346,000	$36,733,338	$2,612,662	(1)
Supplemental Salaries	30,000	74,813	(44,813)	
Benefits	9,443,000	9,157,121	285,879	(2)
Judicial Council/Ad Hoc/Per Diem	1,803,000	1,792,286	10,714	
Travel	1,288,000	1,433,274	(145,274)	(3)
Professional Services	157,000	623,057	(466,057)	(4)
Information Services	207,000	663,592	(456,592)	(5)
Office Expenses	905,000	1,382,905	(477,905)	(6)
Advertising	3,000	0	3,000	
Court Attire and Supplies	74,000	198,349	(124,349)	(7)
Vehicles	66,000	66,590	(590)	
Amortization	249,000	299,170	(50,170)	(8)
C.A.P.C.J. Grant	4,000	7,200	(3,200)	(9)
Library	175,000	249,980	(74,980)	(10)
Interest on Capital Leases	9,000	152,812	(143,812)	(11)
Total Operating Expenses	**$53,759,000**	**$52,834,487**	**$924,513**	

NOTES

(1) Savings due to delays in replacing personnel on long-term disabilities and retirements

(2) Related to salary savings

(3) Increased costs for mileage, airfares and accommodation

(4) Legal fees and contracts related to judicial resources

(5) Maintenance and enhancements to information systems, computer software and licences

(6) Education costs and meeting expenses

(7) Replenishment of judicial attire

(8) Amortization of computer equipment

(9) Canadian Association of Provincial Court Judges

(10) Increased costs for judicial reference material

(11) Costs related to office relocation

COMPLAINTS AGAINST JUDICIAL OFFICERS: MAINTAINING CONFIDENCE IN THE JUSTICE SYSTEM

The public and individuals appearing in court must have confidence in our justice system, and that begins with having confidence in the decisions that are made in the courtroom. They must be confident that judicial officers have integrity and are impartial and independent. They must also have an opportunity to formally criticize judicial officers and courts if they believe that justice was not delivered in a fair and independent manner. Not only must justice be done, it must be seen to be done.

REVIEW OF CONDUCT, NOT OF THE DECISION

Sometimes litigants make a formal complaint to the Chief Judge if they are dissatisfied with the outcome of their trial. The Chief Judge can review only complaints about judicial conduct, not about the merits or "correctness" of judicial decisions. Principles of judicial independence prevent interference by anyone, even a Chief Judge, in the judicial decision-making process. Members of the judiciary must be free to make decisions unfettered by outside influence, fear of sanction or hope of favour, and it is not open to a Chief Judge to review judicial decisions.

A party who objects to the merits of judicial decisions would need to pursue such objections through any available avenue of appeal to, or review by, a higher court. When such complaints are received, one of the Court's legal officers usually provides the litigant with general information about the appeal process.

SUPERVISION OF JUDICIAL MISCONDUCT

Under the *Provincial Court Act*, the Chief Judge is responsible for supervising judges, judicial justices and justices of the peace, and is required to examine all conduct complaints about members of the judiciary. Complaints must be delivered in writing to the Chief Judge. When a complaint raises a potential issue of judicial misconduct within the Chief Judge's authority, the Chief Judge or an Associate Chief Judge will review the complaint letter and any relevant material, such as an audio recording of the proceedings, and will invite the judge or justice to comment on the complaint. The Chief Judge or an Associate Chief Judge (or a delegate) must report in writing to the complainant and the judicial officer following an examination. Most complaints are resolved with a letter explaining or acknowledging the conduct and in some cases, if appropriate, providing an apology.

The Act also requires that the Chief Judge conduct an investigation into the fitness of a judge or justice to perform his or her duties if the Chief Judge considers that an investigation is required, or if requested to do so by the Attorney General. The result of an investigation may include corrective action or an order for an inquiry respecting the fitness of the judge or justice to perform his or her duties. At the option of the judicial officer at issue, the inquiry would be conducted by a Justice of the B.C. Supreme Court or by the Judicial Council of B.C. In the history of the Provincial Court, there have been only eight inquiries, and none since 1981.

SUMMARY OF COMPLAINTS

Table 4 lists complaints since 2004 and their outcomes.

Table 4. Complaints Statistics (2004 to 2014)

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Letters Received	118	174	144	258	216	245	280	272	227	253	273
Non-complaint (those found not to be within Section 11 of the PCA)	95	137	123	205	169	207	225	239	206	225	254
Examinations of complaints performed to December 31, 2014, as summarized below or in previous Annual Reports	*20	*34	19	*53	45	*35	*29	*39	*21	*20	*28
Investigations of complaints performed	*3	2	1	0	0	0	0	0	0	0	0
Files unresolved by December 31, 2014	0	1	0	0	0	0	0	0	0	0	11

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

Complaint statistics are reported on a calendar-year basis, as that was the practice prior to 2004, when such statistics and summaries were reported in the Annual Report of the Judicial Council of British Columbia. As explained in the the 2004/05/06 Annual Report of the Judicial Council, the decision was then made to report complaints in the Provincial Court's annual report, rather than in the Judicial Council's annual report, because the Judicial Council has a limited role in processing complaints.

During the period from January 1, 2014, to December 31, 2014, the Office of the Chief Judge received 272 letters of complaint. On assessment, 260 matters were found not to be complaints within the authority of the Chief Judge. Examinations were commenced on the remaining matters. Including complaints carried over from 2013, 20 examinations were completed during 2014. All were resolved at that stage.

Appendix 5 summarizes the completed complaint examinations.

APPENDICES

APPENDIX 1: JUDICIAL OFFICERS OF THE PROVINCIAL COURT

Table 5. Judges of the Provincial Court, as at March 31, 2015

	STATUS
Office of the Chief Judge: Chief Judge Thomas J. Crabtree	
Chief Judge Thomas J. Crabtree	Full Time
Associate Chief Judge Gurmail S. Gill	Full Time
Associate Chief Judge Nancy N. Phillips	Full Time
Fraser Region: Regional Administrative Judge Peder Gulbransen	
Judge Therese Alexander	Full Time
Judge Kimberley Arthur-Leung	Full Time
Judge Patricia Bond	Full Time
Judge Gregory Brown	Full Time
Judge Richard Browning	Full Time
Judge Andrea Brownstone	Full Time
Judge Marion R. Buller	Full Time
Judge Gary Cohen	Full Time
Judge Pedro L.J. de Couto	Senior
Judge Patrick Doherty	Full Time
Judge Paul Dohm	Full Time
Judge Shehni Dossa	Full Time
Judge Harvey Field	Senior
Judge Donald Gardner	Full Time
Judge Gurmail S. Gill	Full Time
Judge Melissa Gillespie	Full Time
Judge Ellen Gordon	Full Time
Judge Peder Gulbransen	Full Time
Judge Robert Hamilton	Full Time
Judge Michael Hicks	Retired
Judge Brent G. Hoy	Senior
Judge Patricia Janzen	Full Time
Judge James W. Jardine	Senior
Judge John J. Lenaghan	Senior
Judge William G. MacDonald	Senior
Judge Suzanne K. MacGregor	Retired
Judge Russell MacKay	Full Time
Judge Richard D. Miller	Senior

Judge Jennifer Oulton	Full Time
Judge Steven Point	Full Time
Judge Deirdre Pothecary	Senior
Judge Rose Raven	Full Time
Judge Edna M. Ritchie	Full Time
Judge Ann E. Rounthwaite	Senior
Judge Jill Rounthwaite	Part Time
Judge Kenneth D. Skilnick	Full Time
Judge Anthony J. Spence	Senior
Judge Daniel M.B. Steinberg	Full Time
Judge James Sutherland	Full Time
Judge Rory Walters	Full Time
Judge Thomas Woods	Full Time
Judge Wendy Young	Full Time
Interior Region: Regional Administrative Judge Robin R. Smith	
Judge Ellen M. Burdett	Full Time
Judge Jane P. Cartwright	Senior
Judge Bradford Chapman	Full Time
Judge Christopher D. Cleaveley	Full Time
Judge Edmond F. de Walle	Senior
Judge Roy Dickey	Full Time
Judge Ronald G. Fabbro	Senior
Judge Stella Frame	Full Time
Judge Stephen Harrison	Full Time
Judge Richard Hewson	Full Time
Judge Vincent Hogan	Senior
Judge Wilfred Klinger	Senior
Judge Gregory Koturbash	Full Time
Judge Leonard Marchand	Full Time
Judge D. Mayland McKimm	Full Time
Judge Meg Shaw	Full Time
Judge W. Grant Sheard	Full Time
Judge Gale G. Sinclair	Senior
Judge Robin R. Smith	Full Time
Judge Donald L. Sperry	Senior
Judge Mark Takahashi	Full Time
Judge James Threlfall	Senior
Judge Anne Wallace	Full Time
Judge Ronald J. Webb	Full Time
Judge Lisa Wyatt	Full Time

Northern Region: Regional Administrative Judge Michael Brecknell	
Judge Elizabeth L. Bayliff	Senior
Judge Christine Birnie	Full Time
Judge Richard R. Blaskovits	Full Time
Judge Rita Bowry	Full Time
Judge Michael Brecknell	Full Time
Judge Randall Callan	Full Time
Judge Marguerite Church	Full Time
Judge Brian Daley	Full Time
Judge Victor Galbraith	Full Time
Judge Michael Gray	Full Time
Judge William Jackson	Full Time
Judge Shannon Keyes	Full Time
Judge Dennis Morgan	Full Time
Judge Herman Seidemann III	Senior
Judge Stewart Dwight	Full Time
Judge Calvin Struyk	Full Time
Judge Randy E. Walker	Full Time
Judge Daniel Weatherly	Full Time
Judge Terence Wright	Full Time
Vancouver Region: Regional Administrative Judge Raymond Low	
Judge Conni L. Bagnall	Full Time
Judge James Bahen	Full Time
Judge Elisabeth Burgess	Full Time
Judge Joanne Challenger	Full Time
Judge Patrick Chen	Senior
Judge Bonnie Craig	Full Time
Judge Kathryn Denhoff	Full Time
Judge Harbans Dhillon	Full Time
Judge Bryce Dyer	Full Time
Judge Ronald D. Fratkin	Senior
Judge Joseph Galati	Full Time
Judge Rosemary M. Gallagher	Senior
Judge Judith Gedye	Senior
Judge Maria Giardini	Full Time
Judge Thomas J. Gove	Senior
Judge Reginald Harris	Full Time
Judge Frances E. Howard	Full Time
Judge Raymond Low	Full Time
Judge Malcolm MacLean	Full Time
Judge Maris McMillan	Full Time

Judge Steven Merrick	Full Time
Judge Paul Meyers	Full Time
Judge John Milne	Full Time
Judge Douglas E. Moss	Senior
Judge Nancy N. Phillips	Full Time
Judge Gregory Rideout	Full Time
Judge William J. Rodgers	Senior
Judge Valmond Romilly	Full Time
Judge Donna Senniw	Full Time
Judge Lyndsay Smith	Full Time
Judge David St. Pierre	Full Time
Judge Carlie J. Trueman	Full Time
Judge Karen Walker	Full Time
Judge Catherine E. Warren	Full Time
Judge Jodie F. Werier	Full Time
Judge James Wingham	Full Time
Vancouver Island: Regional Administrative Judge Adrian Brooks (April-June 2014) Regional Administrative Judge Robert A. Higinbotham (July 2014-Present)	
Judge Evan C. Blake	Full Time
Judge Adrian Brooks	Full Time
Judge Loretta F. E. Chaperon	Senior
Judge J. Douglas Cowling	Senior
Judge Roger Cutler	Full Time
Judge Peter M. Doherty	Senior
Judge Barbara Flewelling	Full Time
Judge Ted Gouge	Full Time
Judge Jeanne Harvey	Senior
Judge Robert A. Higinbotham	Full Time
Judge Brian R. Klaver	Senior
Judge Ronald Lamperson	Full Time
Judge J. Parker MacCarthy	Full Time
Judge Lisa Mrozinski	Full Time
Judge Brian M. Neal	Senior
Judge David R. Pendleton	Senior
Judge Ernest Quantz	Senior
Judge Carmen Rogers	Full Time
Judge Justine E. Saunders	Full Time
Judge Brian Saunderson	Senior
Judge Wayne Smith	Senior
Judge Roderick Sutton	Full Time
Judge Susan Wishart	Full Time

Table 6. Judicial Justices, as at March 31, 2015

	ASSIGNMENT
Sitting Division (Full Time)	
Judicial Justice Irene Blackstone	Traffic
Judicial Justice Joan Hughes	Traffic
Judicial Justice Susheela Joseph-Tiwary	Traffic
Judicial Justice Patrick Dodwell	Traffic
Judicial Justice Kathryn Arlitt	Justice Centre/Traffic
Judicial Justice Joseph Chellappan	Justice Centre/Traffic
Judicial Justice Brad Cyr	Justice Centre
Administrative Judicial Justice Gerry Hayes	Justice Centre/Traffic
Judicial Justice Zahid Makhdoom	Traffic
Administrative Judicial Justice Patricia Schwartz	Traffic
Judicial Justice Maria Kobiljski	Office of the Chief Judge
Per Diem Division	
Judicial Justice Laurie Langford	Justice Centre/Traffic
Judicial Justice Brent Adair	Justice Centre/Traffic
Judicial Justice Bradley Beer	Justice Centre
Judicial Justice Edward Bowes	Justice Centre
Judicial Justice Anna-Maya Brown	Justice Centre
Judicial Justice Norman Callegaro	Justice Centre
Judicial Justice Alison Campbell	Justice Centre
Judicial Justice Fraser Hodge	Justice Centre
Judicial Justice Tim Holmes	Justice Centre
Judicial Justice Holly Lindsey	Justice Centre
Judicial Justice Christopher Maddock	Justice Centre/Traffic
Judicial Justice Carmella Osborn	Justice Centre/Traffic
Judicial Justice Debra Padron	Justice Centre
Judicial Justice Carol Roberts	Justice Centre
Judicial Justice Richard Romano	Justice Centre
Judicial Justice David Schwartz	Justice Centre
Judicial Justice Brian Burgess	Justice Centre/Traffic
Judicial Justice Hunter Gordon	Justice Centre/Traffic
Judicial Justice Cheryl Edwards	Justice Centre
Ad Hoc Division	
Judicial Justice Cheryl Harvey	Justice Centre
Judicial Justice Dave Maihara	Justice Centre
Judicial Justice Linda Mayner	Traffic
Judicial Justice Candice Rogers	Justice Centre
Judicial Justice Jane Wakefield	Justice Centre

Table 7. Judicial Case Managers, as at March 31, 2015

	FULL- OR PART-TIME STATUS
Office of the Chief Judge	
Administrative JCM Dawn North	Full-time
JCM Supervisor Yvonne Hadfield	Full-time
Fraser Region	
JCM Amy Mitchell	Part-time
JCM Andrea Schulz	Full-time
JCM Julie Willock	Full-time
JCM Suzanne Steele	Full-time
JCM Marylynn deKeruzec	Full-time
JCM Sheryl Gill	Auxiliary
JCM Lila MacDonald	Full-time
JCM Maureen Scott	Full-time
JCM Doreen Hodge	Full-time
JCM Heather Holt	Full-time
JCM Lana Lockyer	Part-time
JCM Sandra Thorne	Full-time
JCM Bianca West	Part-time
Interior Region	
JCM Arlene McCormack	Part-time
JCM Sheila Paul	Full-time
JCM Kathy Bullach	Full-time
JCM April Darke	Full-time
JCM Dalene Krenz	Full-time
JCM Marj Warwick	Full-time
JCM Sandra Hadikin	Part-time
Northern Region	
JCM Faye Campbell	Full-time
JCM Donna Bigras	Full-time
JCM Sarah Lawrence	Full-Time
JCM Crystal Foerster	Part-time
JCM Rhonda Hykawy	Full-time
JCM Sharon MacGregor	Part-time
JCM Lyne Leonardes	Full-time

Vancouver Region	
JCM Kelly Butler	Full-time
JCM Laura Caporale	Part-time
JCM Teresa Hill	Full-time
JCM Jovanka Mihic	Part-time
JCM Lorie Stokes	Full-time
JCM Suzanne McLarty	Full-time
JCM Barbara Brown	Full-time
JCM Candace Goodrich	Full-time
JCM Judi Norton	Full-time
Vancouver Island Region	
JCM Christine Ballman	Part-time
JCM Veronica Mitchell	Full-time
JCM Alison Bruce	Full-time
JCM Deborah Henry	Full-time
JCM Yvonne Locke	Full-time
JCM Shannon Cole	Full-time

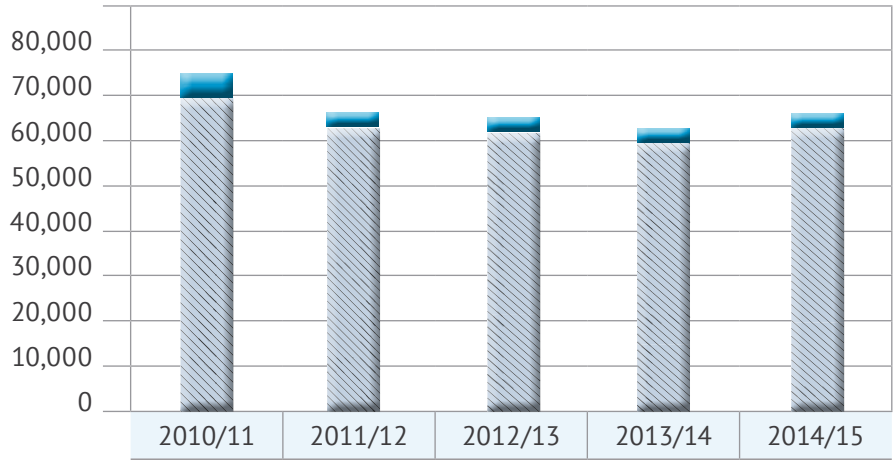
Table 8. Justice of the Peace Adjudicators, as at March 31, 2015

JP Bryan Baynham
JP Frank Borowicz
JP Barbara Cornish
JP Kenneth Glasner
JP Lawrence Kahn
JP Karen Nordlinger
JP Marina Pratchett
JP Dale Saunderson
JP Brian Wallace
JP Karl Warner

APPENDIX 2: NEW CASES BY COURT DIVISION

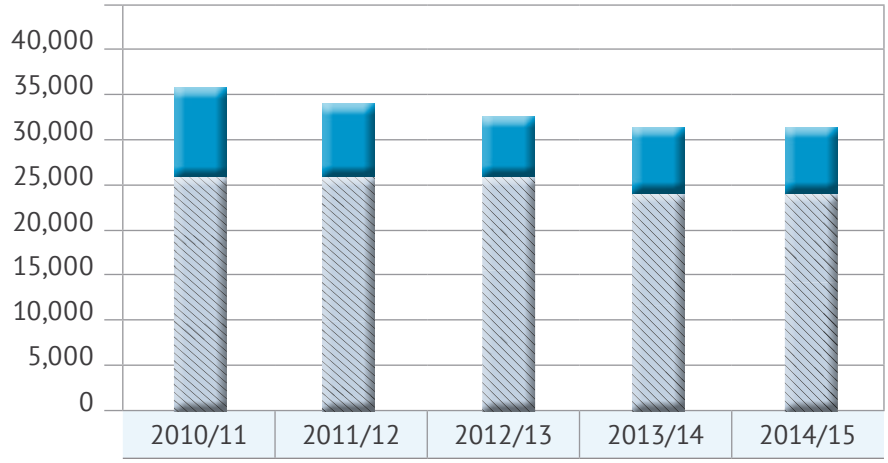
The following figures compare caseloads over the past five years, by division of the Court's jurisdiction.

Figure 19. New Adult and Youth Criminal Cases, 2010/11 to 2014/15



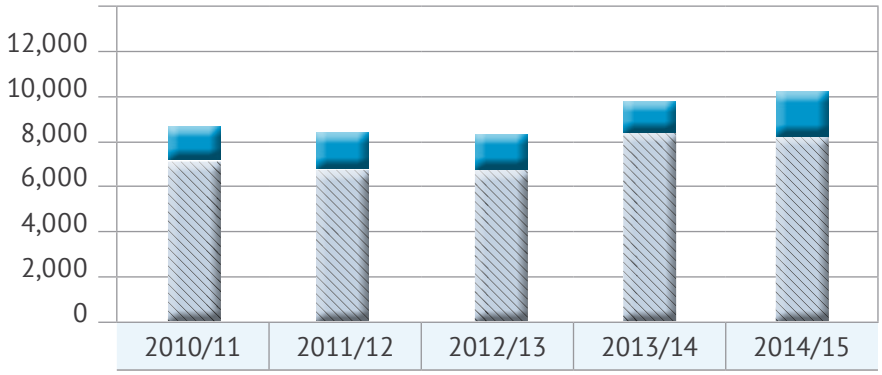
	2010/11	2011/12	2012/13	2013/14	2014/15
Youth Criminal	5,390	4,712	4,096	3,899	3,512
Adult Criminal	69,460	62,320	61,176	60,135	61,725

Figure 20. *New Family Law Act* Cases and Subsequent Applications, 2010/11 to 2014/15



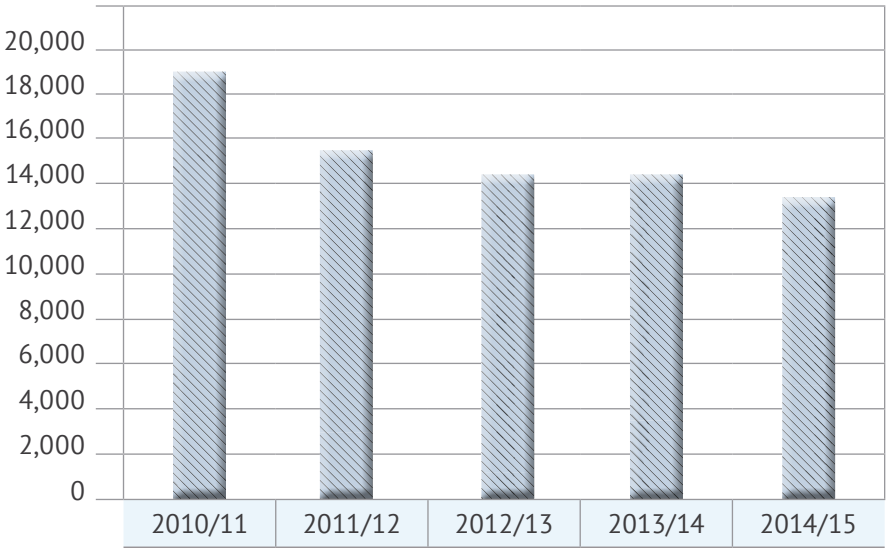
	2010/11	2011/12	2012/13	2013/14	2014/15
FLA Cases	9,284	8,826	8,245	7,262	7,632
FLA Subsequent Applications	26,112	25,903	25,395	24,101	23,821

Figure 21. New CFCSA Cases and Subsequent Applications, 2010/11 to 2014/15



	2010/11	2011/12	2012/13	2013/14	2014/15
CFCSA Cases	1,425	1,413	1,321	1,527	1,616
CFCSA Subsequent Applications	7,362	7,129	7,458	8,453	8,571

Figure 22. New Small Claims Cases, 2010/11 to 2014/15



	2010/11	2011/12	2012/13	2013/14	2014/15
Small Claims	18,886	15,471	14,896	15,102	13,479

APPENDIX 3: NOTES TO FIGURES

Revised Methodology for Reporting Cases

Change in Provincial Criminal Court Case Definition

Historically, criminal adult and youth court caseloads in Provincial Court have reflected principally a document count, which has been a useful metric for reflecting workloads within the Court Services Branch of the B.C. Ministry of Justice. Specifically, the definition was defined by one accused on one initiating document. In other words, any new initiating document filed against an accused on the same court file created a new court case. This restrictive definition can fragment a single criminal matter into multiple seemingly unrelated matters, which makes it challenging to properly assess justice system performance (e.g., case timeliness).

As the justice system strives for improved reporting on workloads, performance and impacts of justice reform initiatives, it has been imperative to refine the way criminal court caseloads are defined and reported. Effective April 1, 2015, the Court Services Branch (CSB) changed the way it reports criminal court caseloads for the Provincial Court. This change was applied to all historical data.

The new definition of a criminal court case differentiates between a substantive information for an accused and subsequent documents sworn or filed after a case has been initiated, but related to the same alleged offence. Now, a new case is triggered by a substantive information only. Subsequent documents, such as applications, transfers between locations and re-laid informations, are treated as being part of the same case. For example, an information is sworn against a single accused person by police alleging theft over $5,000. Upon review, a new information is re-laid by Provincial Crown and the alleged offence is changed from theft over $5,000 to theft under $5,000. In the past, this scenario would have generated two criminal cases, with the original case being stayed by the Crown and the new case continuing through the court system. The new criminal case definition now considers this a single case; the initial police sworn information is the substantive document that initiates the case and the re-laid information sworn by Crown is treated as being a subsequent document on the same file. A separate document count metric will capture the volume of all subsequent document filings on a criminal court case (for workload measurement and other purposes).

This new definition better represents the lifecycle of court activity for a single accused person approved to court. This in turn supports an end-to-end vision for justice system performance measurement and provides improved information for justice reform analysis. This process also provides an opportunity to improve the way other court metrics are reported as well.

Based on the new case methodology, the following observations will be seen with criminal caseload metrics:

- Fewer cases than historically reported – reporting gap will be represented by a new criminal document count
- More appearances reported to reach a true deemed concluded date
- Longer median days to disposition
- Decrease in volumes of cases stayed and "other" findings
- Overall new caseload trends should remain relatively constant when comparing historical caseloads and caseloads based on the new case methodology

Change in Provincial Civil and Family Court Case Definition

Since 1994, when an initial filing or transferred case was received by a court registry, it triggered a new case count.

On April 1, 2015, the Provincial Civil and Family new case definition changed and no longer counts files transferred between court registries. This definition more closely aligns with other justice system measures and focuses on cases that are new to the justice system, rather than new to a particular court registry. Recent historical new case counts (after CEIS implementation) are recalculated.

Based on the new case methodology, the following impacts will be seen with historical caseload metrics :

- Reduction in the number of new cases by roughly 6% in Provincial Family and 0.6% in Small Claims compared to historically reported counts
- Court registries that receive more transferred cases than they send to other registries will be impacted more than others
- More consistency and comparability between civil and criminal new case counts
- Elimination of double-counting

New case trends that exclude transferred cases will not be available prior to 2004.

Historical data in the 2014/15 report are based on revised figures using the new methodology. As a result, the numbers used are not directly comparable with those in previous reports.

Definitions

The 2014/15 annual report, and the documents it is based on, use the following definitions of cases:

Provincial Court Criminal New Case: One accused person with one or more charges on an information or initiating document that has resulted in a first appearance in Provincial Court. These charges can be under the *Criminal Code*, the *Youth Criminal Justice Act* and other federal statutes or provincial statutes. This does not include traffic or municipal bylaw charges

Provincial Court Small Claims New Case: The number of Notices of Claim filed in the Court registry

Provincial Court Child Protection and Family New Case: A Provincial Court registry filing under the *Family Law Act (*FLA*), Family Maintenance Enforcement Act (*FMEA*), Family and Child Services Act* (FCSA), or *Child, Family and Community Services Act* (CFCSA).

DATA SOURCES AND LATENCY

Data for this report is drawn from the CORIN Database and other sources as noted in relation to specific figures.

Data from the CORIN court management information system has a latency factor for approximately three months after the data is extracted from the case management systems, which can produce inconsistent totals. In order to maintain consistency, the Court Services Branch Strategic Information and Business Application group creates periodic frozen datasets on a three-month delay. This data is used for all data requests for the period covered by the frozen dataset (e.g. calendar year 2012).

FIGURES 2 AND 3

Figure 2. Total Judge Complement, 2010/11 to 2014/15

Figure 3. New Cases and Cases per JFTE, 2010/11 to 2014/15

Provincial Court Judge Complements are as of March 31 of each fiscal year.

JFTE = Judicial full-time equivalent positions. This includes all full-time judge positions (1 JFTE) + all senior judge positions (0.45 JFTE) province-wide. This total does not include judges on long-term disability. Information regarding the current complement can be found on the *Court Reports* page of the Court's *website*.

FIGURES 4 AND 5

Figure 4. Distribution of Active Provincial Court Judges by Age and Gender, as at March 31, 2015

Figure 5. Active Provincial Court Judges by Gender and Year of Appointment

Data Source: Complement Dashboard

Age is measured as at March 31, 2015. Year of appointment is measured as at the effective date of the judicial appointment.

FIGURES 12 AND 13

Figure 12. Adult Criminal Cases Pending Over 180 Days, as at March 31, 2015

Figure 13. Pending Caseloads by Fiscal Year and Category, 2010/11 to 2014/15

Data Source: CORIN Database

A Provincial Court Pending Case is a case that has not been completed, where the number of days between the first appearance and the next scheduled appearance is over 180 days.

The current report is as of the end of the last fiscal year, and represents a snapshot of the pending case inventory for all cases over 180 days. The charts break these cases into four different timelines: 6 to 10 months, 10 to 12 months, 12 to 18 months and over 18 months.

These results are preliminary. Pending cases are likely to adjust upwards due to delays in compiling the data.

The Court is working with the Court Services Branch to establish a method for calculating the date of conclusion for family and small claims cases. However, because of differences in adjournment and court procedures, no standard definition of case age exists and comparable data is not currently available.

FIGURES 14, 15 AND 16

Figure 14. Province-wide Time to Trial by Division, as at March 31, 2015.

Figure 15. Province-wide Time to Trial Over Time, 2014/15

Figure 16. Province-wide Time to Trial Over Time, 2011/12 to 2014/15

Data Source: Judicial (Quarterly) Next Available Date Surveys

All locations in the province were weighted based on FY 2014/15 new caseloads as a percentage of the provincial total. The current reported delays are as of March 31, 2015.

These charts represent weighted province-wide delays for each area of the court's jurisdiction. They set out the average provincial wait time in months, from the time a request is made to the first available date for various types of proceedings. First available dates do not include those that have opened up due to cancellations, since this is not when the Court would normally schedule the matter. Wait times also take into account any cases currently waiting to be scheduled, factoring them into the delay estimates.

The result for each court location is weighted by the percentage of the province's new cases for that division. These weighted results are then summed to yield a single number for the whole province to more accurately capture the typical delay for proceedings of the listed type. Results are rounded to the nearest month.

For adult criminal trials, this wait time represents the number of months between a fix date/arraignment hearing and the first available court date that a typical half-day or two-day (or longer) adult criminal trial can be scheduled into.

For family hearings, this wait time represents the number of months between the initiating document and first appearance *plus* the number of months between the first appearance and the first available

court date for a case conference *plus* the number of months between the case conference and the first available court date that a typical half-day or two-day (or longer) family hearing can be scheduled into.

For child protection hearings, this wait time represents the number of months between the initiating document and first appearance *plus* the number of months between the first appearance and the first available court date for a case conference *plus* the number of months between the case conference and the first available court date that a typical half-day or two-day (or longer) child protection case can be scheduled into.

For small claims trials, this wait time represents the number of months between the final document filing and the first available court date that a typical settlement conference can be scheduled into *plus* the number of months between a settlement conference and the first available court date that a typical half-day or two-day (or longer) trial can be scheduled into.

In order to meet the standard established by the Office of the Chief Judge, 90 per cent of cases must meet the listed time to trial. These standards are reflected as the lower portion of the stacked columns in Figure 13, with delays in excess of the standard represented above.

OCJ Standard for Adult Criminal Trials

Six-month to criminal half-day trial availability

Eight-month to criminal two-day (or longer) trial availability

OCJ Standard for Family Hearings

One-month to first appearance

One-month from first appearance to case conference

Four-month from case conference to half- or two-day trial

OCJ Standard for Child Protection Hearings

One-month to first appearance

One-month from first appearance to case conference

Three-month from case conference to half-day trial

Four-month from case conference to two-day trial

OCJ Standard for Civil Trials

Two-month to settlement conference availability

Four-month from settlement conference to half-day trial

Six-month from settlement conference to two-day trial

FIGURE 17

Figure 17. Self-Represented Appearances by Division, 2014/15

Data Source: CORIN Database (SIBA Tables)

Data are preliminary and subject to change.

This analysis counts only held appearances, excluding cases that have been adjourned or cancelled prior to the appearance or that do not have any appearance duration recorded.

Small claims include both court class "C" (Small Claims) and "M" (Motor Vehicle Accidents).

A self-represented appearance is one in which at least one of the parties was not represented by counsel.

A represented appearance is one in which all parties are represented by counsel.

Another appearance is one in which at least one of the parties was represented by an agent (not legal counsel), or one in which there is attendance information blank or unknown, or no one appeared.

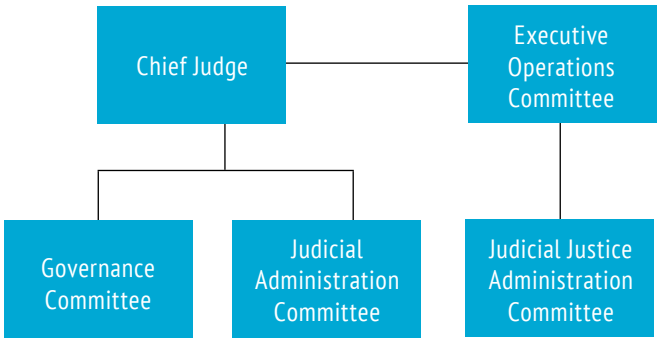
Total appearances is a count of appearances that have not been adjourned in advance of the appearance.

APPENDIX 4: GOVERNANCE OF THE PROVINCIAL COURT

The administrative headquarters for the Provincial Court is the Office of the Chief Judge (OCJ). The OCJ is responsible for the judicial administration of the Court. The primary function of the OCJ is to support the Chief Judge in the assignment of judges and cases, as well as to support judges in the exercise of their judicial function. The OCJ is also responsible for engaging with government agencies, media, individuals and organizations that wish to communicate with the Court.

The administrative work of the Provincial Court is conducted by the Governance Committee, the Judicial Administration Committee, the Judicial Justice Administration Committee and the Executive Operations Committee.

Figure 23.
Governance Structure of the Provincial Court



The Governance Committee provides strategic direction and decision-making for the Court on administrative and management matters, as well as issues concerning the administrative independence of the Court. It is chaired by Chief Judge Thomas Crabtree and includes:

- Associate Chief Judges N. Phillips and G. Gill
- The Executive Director of Organizational Services, Mr. C. Wilkinson
- The five Regional Administrative Judges designated by the Chief Judge, Judges M. Brecknell (Northern Region); R. Smith (Interior Region); A. Brooks (April-June 2014)/R. Higinbotham (July 2014-Present) (Vancouver Island Region); P. Gulbransen (Fraser Region); and R. Low (Vancouver Region).

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

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

In addition, the Judicial Administration Committee provides advice to the Chief Judge on emerging issues in judicial regions, policy proposals and administrative matters. The committee has the same members as the Governance Committee, but it is chaired by Associate Chief Judge G. Gill.

APPENDIX 5: COMPLAINTS

Complaints against Judges
Complaint: *The complaint arose out of a traffic court hearing. The complainant alleged that there was "every indication of unfairness" with the judge's demeanour, the judge made "mocking comments" and engaged in "snide behavior," and it was "obvious that the judge was friends with the officer."* **Review:** The audio recording of the proceedings was reviewed, as well as a response from the judge. Review of the audio recording did not support any suggestion that the judge engaged in any biased, impolite or disrespectful behaviour or comments. The audio recording revealed that the judge was polite and respectful to the complainant. As the complainant was self-represented, the judge offered assistance in terms of the procedure to be followed and as to what evidence was relevant to a determination of the matter before the Court. The judge also indicated in his response that he did not recall ever having met the officer on any prior occasion. A copy of the judge's response in this regard was provided to the complainant, who was informed that the circumstances did not raise any issue of judicial misconduct. The file was closed on that basis.
Complaint: *The complainant, the applicant in a family matter, said that the judge did not properly pronounce the complainant's name and the respondent's name, did not have control over the courtroom, and did not consider the best interests of the child.* **Review:** The audio recording of the proceedings was reviewed, as well as a response from the judge. The audio recording revealed that, at the beginning of the hearing, the judge was not clear on the pronunciation of the respondent's name, but received clarification and proceeded to pronounce the name correctly throughout the course of the trial. The judge mispronounced the complainant's name on several occasions at the beginning of the oral Reasons for Judgment, but then continued to pronounce it correctly. The judge in her response expressed regret over this error and indicated that no disrespect was intended towards the complainant or the respondent. The judge recognizes the importance of pronouncing parties' and witnesses' names correctly and indicated that she would exercise extra vigilance in this regard in the future. The audio recording also revealed that the judge exercised appropriate control of the courtroom. Any disagreement with respect to the merits of the judge's decision on the best interests of the child cannot be reviewed by the Chief Judge, but only through any available appeal to, or review by, a higher court. The complainant was so informed and the complaint was resolved on that basis.

Complaint: *Counsel for the accused in a criminal matter complained that she had observed the judge "on numerous occasions" in other court proceedings "publicly humiliating [other] counsel for no apparent reason" and "making some insulting remark" during the proceedings at issue.*

Review: The audio recording of the specific proceeding related to the complainant was reviewed, as well as a response from the judge. The audio recording did not support the complainant's characterization and, instead, confirmed that the judge maintained a level of serenity and calm and was polite and respectful towards counsel throughout the proceedings. It was not possible to examine the judge's conduct in other court proceedings as no details of these proceedings were provided. A report that there was no judicial misconduct was sent to the complainant, and the file was closed.

Complaint: *The complainant was the judge's next door neighbour and asserted that the judge interfered with the complainant's effort to sell the complainant's home, placed a 20-foot garbage bin in front of the complainant's home, did not consult the complainant with respect to the replacement of a fence that separated their properties, and began work on alterations to the judge's garage without a municipal permit.*

Review: The judge provided a thorough and reflective response. It was apparent that over the course of many years as neighbours, the judge and the complainant had been involved in conflicts on several issues and had a different recollection on a number of points. However, these neighbourly issues do not fall within the Chief Judge's jurisdiction under the *Provincial Court Act*. The judge acknowledged not obtaining a permit to undertake garage renovation work over a decade ago, but explained that he was unaware a permit was required when the basic structure remained. It was not due to arrogance or the sense that he was above the law. Once the problem was brought to the judge's attention, he took remedial steps and, when those proved unsuccessful, reversed the non-permitted work. The judge acknowledged that judges must do their best to lead by example and stated that this has always been his objective. In the context of the judge's frank acknowledgments and otherwise long unblemished record as a judge, it was concluded that conduct such as this failure by the judge to obtain a permit when one was required would not be repeated, and that the judge's fitness for office has not been called into question. The complainant was so advised in a closing letter.

Complaint: *The complainant appeared before the judge at a family case conference and asserted that the judge was "extremely verbally abusive," "frightening," "biased" and "simply degrading." The complainant also asserted that the judge called him names such as "incompetent" and "lazy," and suggested that he had sexual relations with his daughters during family camping trips.*

Review: An audio recording is not normally available for a family case conference and none was available in this case. However, comment from the judge was sought, in which the judge denied using abusive language or referring to any litigant before her as lazy or incompetent. It was not possible to corroborate the complainant's assertions, but there was no reason to question the complainant's or the judge's credibility. The judge expressed regret that the complainant felt the experience was a negative one. The file was closed on that basis.

Complaint: *The complainant disagreed with the judge's order for supervised access to his children "despite having evidence to the contrary," and asserted that the decision was "racially motivated." He complained that he was screamed at and was "repeatedly scolded, berated and humiliated" because he was self-represented and Aboriginal.*

Review: The audio recording of the proceedings was reviewed, as well as a response from the judge. A presiding judge has discretion to direct parties and witnesses to address matters that the judge considers relevant to an issue the judge needs to decide. During the hearing, the judge strongly encouraged the complainant to obtain legal representation. At times, the judge raised her voice or used a tone that exhibited frustration. While the manner in which the complainant conducted himself during the proceedings gave some cause for frustration, it is nevertheless the responsibility of judicial officers to maintain serenity, calm and courtesy in the face of frustrating circumstances. This responsibility was brought to the judge's attention. There were times when the judge's serenity was broken; however, a review of the record of proceedings in total led to the conclusion that further action on the complaint was not warranted. The complainant was informed of the circumstances and he was given a copy of the judge's response. The file was closed on that basis.

Complaint: *It came to the attention of the Chief Judge that the trial list for a judge's courtroom one day contained two matters estimated at two hours and 1.5 hours respectively. The judge closed court shortly after noon after hearing only one matter.*

Review: The judge advised that he had spoken to counsel in chambers to explain that for personal reasons he was unable to continue court in the afternoon. Counsel expressed no concern or objection at that time about the necessity for court to close early. The judge has since had useful discussions with the Regional Administrative Judge about effective management of available court time. The complainant was informed and the file was closed on that basis.

Complaint: *It came to the Chief Judge's attention that there were a variety of concerns regarding the judge's performance, including the judge's understanding of the law related to unreasonable delay under s. 11(b) of the Canadian Charter of Rights and Freedoms; challenges in preparing Reasons for Judgement and Reasons for Sentence; the management and treatment of litigants, particularly those self-represented; and the management of available court time.*

Review: The judge's response was sought and considered. The judge undertook a variety of corrective actions. He reviewed an update of the law relating to unreasonable delay. He attended programs regarding the sufficiency of reasons and decision-writing, as well as effectively hearing and managing self-represented litigants. He discussed effective management of available court time with the Regional Administrative Judge. The file was closed on that basis.

Complaint: *The Chief Judge received a complaint from a member of the public expressing concern relating to an incident prior to a specific judge being appointed to the Bench. Allegedly, an amateur sports association had suspended the judge as chair of the association's discipline committee for not adhering to the association's harassment and abuse policy when investigating allegations made by the complainant against the coach of the complainant's son's team.*

Review: The documentation provided by the complainant and the judge's thorough response to it were reviewed. The judge had earlier disclosed this matter to Judicial Council during the application process for appointment as a judge of the Court. The Council ultimately recommended that the judge be appointed as a Provincial Court judge. Accordingly, it was not apparent that matters raised required further investigation, and the complainant was so advised in a closing letter.

Complaint: *The complainant alleged that the judge was "rude" to and "yelling at" the complainant during a small claims hearing.*

Review: The audio recording of the proceedings was reviewed, as well as a response from the judge. It was apparent from the review of the audio recording that the complainant interrupted the proceedings throughout the trial. The judge appeared to have lost a degree of patience, but she acted within the normal range of decisions that judges make in the control of proceedings, particularly in light of the complainant's actions. The judge was reminded of the serenity to which judges aspire in dealing with challenging situations. A report that there was no basis for complaint was sent to the complainant and the judge, and the file was closed.

Complaint: *The complaint arose out of a settlement conference in a small claims case. The complainant asserted that the judge "proceeded to scream at [him]," and he felt that "not only had she prejudged the matter but her manner was rude and vindictive towards [him]." He also stated that the judge's "demeanour has offended [him] very much."*

Review: The judge's recollection of events was very different from the complainant's and indicated that the judge was not rude, vindictive or offensive. In seeking to mediate small claims cases during a settlement conference, judges take an evaluative approach. In contrast, judges at trials adjudicate, not mediate. Much of the complainant's concerns appeared related to a misunderstanding of the judge's role at a settlement conference. The complainant was disappointed that the judge concluded that he did not have a claim that would be likely to succeed at trial and that he may face penalties if he pursued the claim further and lost. The parties understood that if they disagreed with the judge's assessment of the strengths and weaknesses of the claim, it remained open to them to proceed to a trial before a different judge. There was no basis for a finding of judicial misconduct.

Complaint: *The complainant asserted that the judge in a small claims hearing was "despising [his] religion, [his] book of faith" and "urging [him] to swear an oath on Bible by forcing [him]." He also asserted that the judge engaged in derogatory, discriminating and harassing behavior towards himself and his witness.*

Review: Review of the audio recording and the judge's response did not support these assertions. The judge stated that she was not following and understanding what the complainant was saying or the import of his evidence. She also suggested that it might be in the complainant's interest to bring a certified court interpreter. It was clear from the recording that the complainant had difficulty expressing himself in English and following the proceedings. Not uncommonly, one or more of the parties or their witnesses to small claims proceedings will be less than fluent in English. In such circumstances, if the limited communication impedes their effective participation, the parties will have to arrange, in advance and at their own expense, to have interpreters present. Judicial misconduct was not established.

Complaint: *The complainant was represented by counsel in a family trial but the other party was self-represented. The complainant asserted that the judge's conduct of the trial gave rise to a reasonable apprehension of bias. The complainant eventually appealed the judge's decision to the Supreme Court of British Columbia.*

Review: The Supreme Court extensively considered the assertion that the judge's conduct of the trial gave rise to a reasonable apprehension of bias, found merit in it, set aside the judge's decision and ordered a new trial. The judge's response was sought and considered. The Supreme Court's Reasons for Judgment provided the judge with a considered basis for reflection on the judge's role in the conduct of a trial when one party is represented by counsel and the other party is unrepresented. The Supreme Court judgment also confirmed that the impartiality of the judge was not in question and that the judge was likely well-intentioned in assisting the self-represented litigant in the conduct of his case. A report was sent to the complainant and the judge, and the file was closed.

Complaint: *The complainant asserted that he was subject to "bullying, harassment and unacceptable treatment" by a judge during a settlement conference. He also requested that the Chief Judge grant him a trial despite the judge having dismissed his claim during the settlement conference pursuant to Small Claims Rule 7(14)(i).*

Review: Much of the complainant's concerns related to a misunderstanding of the judge's role at a settlement conference. The judge responded to the complaint by explaining that it was not his intention to cause the complainant to feel bullied and harassed, and he regrets that the party left the settlement conference with that feeling. The judge also acknowledged that he may have spoken louder than normal as the complainant had indicated that he suffered from some hearing impairment; he apologized if that was misunderstood and the complainant thought he was raising his voice inappropriately at him. The Chief Judge does not have the authority to review the actual decisions of other judges. If a party disagrees with a judicial decision, such as the dismissal of a claim, the only way to review the decision is by appeal to a higher court. Upon review, no judicial misconduct was found.

Complaint: *The complainant asserted that during a hearing the judge interrupted and questioned the complainant, made "derogatory statements" about the complainant, demonstrated "irrational and unfair behavior," "failed to comply with the Code of Judicial Ethics," was biased against the complainant and favoured those he accused.*

Review: Review of the audio recording of the proceedings did not support the complainant's assertions or the conclusion that the judge acted in a manner that could be fairly described as judicial misconduct. A judge presiding over a hearing has significant discretion in the management of the case. This includes the judge's decisions to actively direct and question parties in their presentation of evidence and argument so as to ensure that the proceedings relate to matters that the judge must decide. The judge's actions fell within the accepted bounds, and judicial misconduct was not established in the circumstances.

Complaint: *The complainant asserted that "[he is] disabled, [he was] not given proper treatment in court, [t]he judge bullied [him]" and his spouse was ignored during a small claims hearing.*

Review: The audio recording of the hearing was reviewed, as well as a response from the judge. The audio recording of the hearing did not support the complainant's assertions or the conclusion that the judge acted in a manner that could be fairly described as judicial misconduct. The judge conveyed his wish to assure the complainant that he always seeks to treat people politely, respectfully and fairly. He expressed regret that the complainant and his spouse felt the experience was a negative one and offered them an apology. A report was sent to the complainant and the judge, and the file was closed.

Complaint: *The complaint arose out of a small claims hearing. The complainant asserted she was "humiliated," "reprimanded," and "chastised" by the judge, and the judge was "biased" and "condescending," assassinated [her] character and embarrassed [her] to no end." She also asserted that the judge "shut [her] down from explaining [certain procedural steps she allegedly took]," and did not "[a]llow [her] to explain the awful detours [her] life has taken since the filing of this case" and her "back story."*

Review: Review of the audio recording did not support these assertions or the conclusion that the judge acted in a manner that could be fairly described as judicial misconduct. Further, a judge presiding over a case has significant discretion in the management of the case, including decisions made by the judge to actively direct parties in their presentation of evidence and argument so as to ensure that such submissions relate to matters the presiding judge believes are relevant to an issue the judge must decide. Judicial misconduct was not established in the circumstances.

Complaint: *The complainant in a small claims hearing asserted that the judge "shushed" him, did not appear to have listened to anything he had said, and lacked "diligence and integrity." It was also asserted that the judge's "demeanour was disdainful and impatient, as if [he] were some sort of nuisance Claimant," and the judge's attitude "was that of scorn and scolding and disdain."*

Review: The audio recording of the hearing was reviewed. The audio recording did not support the complainant's characterization. A report that there was no judicial misconduct was sent to the complainant, and the file was closed.

Complaint: *The complainant made a variety of broad assertions, including that the Court "has tendencies to corrupt and pull strings for friends of friends;" "[t]here is a lot of you scratch my back I will scratch yours going on here;" "the judge treated [her] like garbage;" and "[she was] the subject of slander, rude comments and gestures and extreme bias and one-sidedness."*

Review: The complaint letter did not provide the basis of these concerns or evidence to support them. In the absence of sufficient information to determine whether the complainant was raising a matter of judicial conduct within the Chief Judge's authority under the *Provincial Court Act*, there was no basis to examine the complaint. A reporting letter to this effect and inviting the complainant to submit further evidence was sent to the complainant, and the matter was closed on that basis.

Complaint: *The complainant's multiple page complaint letter made various assertions with respect to criminal proceedings before the judge, including that the judge said, "Shut up, shut up, shut up," to the complainant.*

Review: The audio recording of the proceedings was reviewed. The review did not support the complainant's assertions or the conclusion that the judge acted in a manner that could be fairly described as judicial misconduct. Instead, review of the audio recording showed that the judge acted in a polite, patient and understanding manner and was helpful to the complainant on a number of occasions during the proceedings. There were instances where the complainant expressed gratitude towards the judge given that he was self-represented in the proceedings. The complainant was informed and the file was closed on that basis.

Complaints against Judicial Justices

Complaint: *The complainant asserted that a judicial justice was involved with an "Islamic terrorist organization" that was "the subject of investigation by US authorities;" was arrested and imprisoned for 10 months over 40 years ago in another country; "provided fraudulent documents in order to enter Canada;" and "brings to the BC Provincial courtroom the Koran, the Islamic holy book."*

Review: The information provided did not support the complainant's characterization of the organization in question as a "terrorist organization" or "subject of investigation by U.S. authorities." Further, no details were provided as to what the alleged investigation was and how it may relate in any way to assertions of judicial misconduct by the judicial justice, particularly given that the judicial justice's involvement in the organization ended several years ago. During persistent struggles for human rights in the judicial justice's country of origin, the judicial justice was arrested and imprisoned for 10 months over 40 years ago; however, he was never provided an opportunity to contest the grounds for arrest and detention in a trial but was instead simply held in custody. The Judicial Council of British Columbia had these circumstances before it when considering his appointment as a judicial justice. There was no evidence provided that the judicial justice provided "fraudulent documents in order to enter Canada." Further, it is not uncommon for a Koran to be present in the courtroom in the event someone of the Islamic faith wishes to swear upon it when providing evidence. A report on these terms was sent to the complainant and the judicial justice, and the file was closed.

Complaint: *The complainant appeared before the judicial justice in traffic court and asserted that she was not "heard by the judge who will make a decision based on hearing both parties." The balance of the complaint related to decisions the judicial justice made in the course of the proceeding, including decisions as to the weight he attached to the evidence of the police officer and the complainant, and conclusions he drew from the evidence before him.*

Review: Review of the audio recording confirmed that the judicial justice did make a decision after hearing both parties. Each party gave evidence in chief, and the complainant was also given the opportunity to cross-examine the police officer and make final submissions, which she declined. It is not the role of the Chief Judge in examining the conduct of a judicial justice to review the merits or "correctness" of decisions made in a hearing. A report that there was no judicial misconduct was sent to the complainant, and the file was closed.

Complaint: *The complainant appeared before the judicial justice in traffic court and asserted that the judicial justice did not give her the full opportunity to give evidence.*

Review: The audio recording of the trial was reviewed. It was apparent that the judicial justice provided the constable with an opportunity to provide his evidence and provided the complainant with an opportunity to cross-examine the officer on his evidence. In addition, the complainant was provided an opportunity to give her evidence and the audio recording indicated that she said, "That's it," with respect to her evidence. At that point, the judicial justice moved to make her decision in the case. Review of the audio recording made it clear that nothing in the manner in which the judicial justice presided over the complainant's case raised an issue of judicial misconduct. It is not open to the Chief Judge to examine the merits or the correctness of the judicial justice's decision. A report was sent to the complainant and the judicial justice, and the file was closed.

Complaint: *The complainant appeared before the judicial justice in traffic court and asserted that the judicial justice "correct[ed] [his] obvious error [in addressing the constables as 'Gentlemen'] with such a visceral admonishment." It was apparent that the complainant perceived the judicial justice's conduct to be aggressive, unfair and biased. The balance of the complaint related to decisions the judicial justice made in the course of the proceeding, including decisions as to the weight he attached to the evidence of the police officer and the complainant, and conclusions he drew from the evidence before him.*

Review: The audio recording of the proceedings was reviewed. The review did not support the complainant's assertions or the conclusion that the judicial justice acted in a manner that could be fairly described as judicial misconduct. It is not the role of the Chief Judge in examining the conduct of a judicial justice to review the merits or "correctness" of decisions made in a hearing. A report that there was no judicial misconduct was sent to the complainant, and the file was closed.

Complaints against Justice of the Peace Adjudicators

Complaint: *The complainant asserted that when she asked the justice of the peace adjudicator in a hearing if she could appeal, he "laughed sarcastically saying [he could not] advise [her] on the matter while giggling like a little school kid."*

Review: The audio recording of the proceedings was reviewed, as well as a response from the JP adjudicator. Review of the audio recording did not support the complainant's assertion that the JP adjudicator acted in a manner that could be fairly described as judicial misconduct. Review of the audio recording confirmed that the complainant's husband asked whether or not she could appeal, and the JP adjudicator said "[he is] not in a position to give legal advice and [she] would need to speak to someone else." The circumstances did not raise any suggestion of judicial misconduct.

Complaints against Judicial Case Managers

Complaint: *This complaint is related to the following complaint regarding a Court Services Branch justice of the peace. After having complained to the Office of the Chief Judge about the failure of the "Judicial Case Manager" to return five voice mail messages left in six days, the complainant asserted that the judicial case manager telephoned the complainant personally and told her verbatim "how dare you call and complain about me and my staff" and that it was "highly inappropriate."*

Review: The JCM denied that she said those specific words or otherwise spoke in an unprofessional manner. She indicated that she does not have staff and would never refer to anyone as such. As it was concluded that the alleged words were not said, it was not apparent that the JCM's conduct in the circumstances raised an issue of judicial misconduct. The complainant was so informed, and the matter was closed on that basis.

Complaints against Court Services Branch Justices of the Peace

Complaint: *The complainant asserted that none of her calls to get available trial dates for a family matter had been returned after trying for six days to speak to the judicial case manager at a particular court location and having left five "detailed" voice mail messages.*

Review: The letter of complaint did not name a judicial officer, so the Office of the Chief Judge made inquiries to identify the appropriate judicial officer and to ensure the complainant's voice mail messages were returned. The judicial case manager for the case was on vacation during the time covered by the complaint, and a Court Services Branch justice of the peace was providing vacation coverage. A response from the CSB JP was sought and considered. During the six days the complainant tried to speak to the JCM, one day was a statutory holiday, two days were "family remand days," which are very busy days for the JCM, and for the balance of the days the CSB JP was providing vacation coverage at a different JCM office where there is no ability to check telephone messages remotely. When the CSB JP checked her voice mail messages after returning to the JCM office at issue, there were approximately 30 in total. The CSB JP did not recall receiving five messages from the complainant and, in the messages that the complainant did leave, no details were particularized. The JCM returned the complainant's calls the day she was back in the office. Judicial misconduct was not established in all of these circumstances. However, in light of this complaint, the Office of the Chief Judge is working to enable the JCMs to access voice mail messages remotely.

Complaint: *The complainant asserted that the justice of the peace in a release hearing was "condescending and nasty" to her spouse while the JP read him the documents related to his release. Her spouse was sitting in front of the JP in a wheelchair while accompanied by a sheriff after having had a seizure.*

Review: The JP recalled her interaction with the complainant's husband. She recalled his demeanor as being argumentative and that he made constant interruptions and had many questions that were unrelated to the conditions of release that the JP was reading to him. She recalls that, out of frustration, she did return a smile to the sheriff, which she believes the complainant's husband may have misinterpreted. She indicated that the smile was an expression of exasperation due to the fact that the interaction with the complainant's husband was challenging. She regrets her conduct and any misunderstanding, as it was not her intention to make any assumptions about the ability of the complainant's spouse to follow his conditions. The JP was reminded that judicial officers have an overriding responsibility, in the face of challenging circumstances, to maintain a demeanor of serenity, calm and respect for those individuals appearing before judicial officers, and to avoid conduct that could lead to an individual to conclude that the judicial officer acted in an inappropriate manner. This was communicated to the complainant, and the complaint file was closed on that basis.

For general questions about the Court or judicial administration, please go to provincialcourt.bc.ca

Or contact the Office of the Chief Judge in writing at:

info@provincialcourt.bc.ca

Or addressed to:
Office of the Chief Judge
Provincial Court of British Columbia
337 – 800 Hornby Street
Vancouver, British Columbia V6Z 2C5