



**Provincial Court
of British Columbia**

**Annual Report
2004 - 2005**

THE HONOURABLE CAROL BAIRD ELLAN
CHIEF JUDGE



THE PROVINCIAL COURT
OF BRITISH COLUMBIA

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The Honourable Wally Oppal
Attorney General
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Dear Mr. Attorney:

I am pleased to enclose the Annual Report of the Provincial Court of British Columbia, covering the period April 1, 2004 to March 31, 2005.

Highlights for the year include successful backlog reduction initiatives in South Fraser, Vancouver and Richmond, and a third consecutive year of successful fiscal and case-flow management well within existing resources.

The Court continues in its tradition of accountability and responsibility to the public of British Columbia.

Sincerely,



The Honourable Carol Baird Ellan
Chief Judge

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INTRODUCTION AND OVERVIEW OF THE 2004 – 2005 FISCAL YEAR

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The Court continued throughout the 2004 – 2005 fiscal year to carry out the remainder of the changes and initiatives identified in its 2003 – 2005 Three Year Strategic Plan¹ published in February 2003, following its statement of principles, adopted at that time:

“As an independent judiciary, the Provincial Court of British Columbia is committed above all to upholding the Rule of Law and the Constitution of Canada. We aspire to be fair, impartial, compassionate and patient in a knowledgeable and consistent application of the law to all persons, with due regard to each person’s circumstances. We strive in serving the communities of BC to provide reasonable and equal access to justice for all persons through traditional and innovative processes which, to the extent permitted by law and our resources, are practical, speedy, inexpensive, and simple.”

Most of the recommendations in the Plan were completed during this fiscal year. The Court continued with revision and refinement of its internal governance and administrative structure and decentralization of administration through continued delegation of appropriate responsibilities to the Administrative Judges (Management Committee). The method for assessment of judicial resource requirements was further refined, becoming the basis upon which the Chief Judge and Associate Chief Judges (Executive Committee) decided upon allocation of resources and upon which the Chief Judge identified vacancies and justified requests for appointments. This assessment method worked in tandem with a refined unassigned judges program through which judicial districts reserved judge time for reallocation, coverage, and backlog reduction, in other districts as required.

The Chief Judge has completed a Second Year Review of the Strategic Plan, which is included in this Report. Highlights of some of the year’s activities and developments follow.

Backlog Reduction

Backlog reduction initiatives in the South Fraser, Richmond, and Vancouver Criminal districts were completed successfully within the year, and a program commenced for the North Fraser district.

Civil Reform

The Court’s Civil Procedures Committee, struck in the fall of 2002 and chaired by the Honourable Associate Chief Judge A.J. Spence, considered potential civil procedure reforms during the year, consulting with the judiciary throughout. In March 2005, government announced an increase in the Court’s civil monetary jurisdiction from \$10,000 to \$25,000 effective September 1, 2005. The Committee continues to consider potential reforms to assist in accommodating the increase and enhancing access to justice for civil claims.

¹<http://www.provincialcourt.bc.ca>

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Court Administration

Pursuant to the Strategic Plan, the Executive Committee continued during the year to participate in the country-wide study of Models of Court Administration conducted by the Canadian Judicial Council, and worked with the B.C. Ministry of Attorney General to maintain and enhance the Court's administrative structure to enable optimum justice delivery within reasonable fiscal parameters.

Court Performance Measurement System

Following the January 2004 seminar on Court Performance Measurement Systems initiated by the Court, a System was developed and implemented during fiscal 2004 – 2005, resulting in a pilot of several available measurements and a joint Ministry-judiciary seminar set for June 2005.

Criminal Justice Reform

The Vancouver Street Crime Working Group, a March 2004 initiative of the Justice Review Task Force, worked throughout the year to consider alternative ways to deal with street crime. The Court was represented on this committee by the Chief Judge, the Honourable Judge W.J. Kitchen and the Honourable Judge H.C. Stansfield. The Committee considered revised health and justice system responses for low-level repeat offenders, explored community court models and other means of achieving a better long term solution for street crime. The working group is expected to deliver its report in May or June, 2005.

Facilities

The judiciary is working with the Court Services Branch of the Ministry of Attorney General to prioritize the replacement and renovation of court facilities that no longer meet the needs of the Court and the community. Renovation projects are planned for a number of locations throughout the province in the coming years with Prince Rupert, Nelson, Rossland and Powell River currently under way. The Office of the Chief Judge completed the move of its offices in June 2004. The new Salmon Arm courthouse is scheduled to open in late January 2006.

Family Justice Reform

The Family Justice Reform Working Group, designated by the Justice Review Task Force in July 2003, completed its consideration of changes to the family court system in BC, including a re-examination of the concept of unified family court. The Court was represented on the Working Group by the Honourable Associate Chief Judge J.J. Threlfall. The Justice Review Task Force is expected to release the Working Group's report in June 2005.

Intranet

The Judiciary Intranet Site was launched in June 2004 and is used as a source of information and communication for all the Provincial Judiciary throughout B.C. The site was created and is managed by Serena Innes at the Office of the Chief Judge.

Judges' Education, Orientation and Training

The year saw implementation of an enhanced education leave program, continued expansion of

opportunities for and funding of education programs provided by the Office of the Chief Judge, and continued mentoring, education and orientation programs for new judges.

Library Resources

The Chief Judge's Office completed its review of the Court's library resources, discontinuing hard copies of many legal reporting services and other resource materials, expanding availability of and skills training for use of electronic research tools, including bench books, and supplementing judge and judicial justice of the peace libraries and materials, where required.

Office of the Chief Judge (OCJ)

Recommendations within the current year for internal administration restructuring provided by an outside consultant in 2003 were carried out, resulting in some changes to OCJ processes, job descriptions and staffing structures. Other reforms are under way. In consultation with the Management Committee, the Chief Judge finalized and disseminated a written Judicial Administration Policy and Procedures Manual, provided electronically to all members of the judiciary.

Public Information Committee

The Court's Public Information Committee expanded its public outreach effort, adopted more accessible TV and recording policies, oversaw the production of a "Day in the Life" radio program, created a library of speaking materials for judges, and launched the "Ask the Chief Judge" feature on the Court website. The Committee also planned a provincial program of public forums on justice, to be conducted in 2005-2006.

The Provincial Court of British Columbia continues in its traditions of innovation, access to justice, quality of judicial service, accountability, and excellence.

ADMINISTRATION

Pursuant to the 2003-2005 Strategic Plan, in February 2003 the Court adopted an internal governance structure consisting of an Executive Committee and a Management Committee.

1. Executive Committee

The Plan prescribed that the Executive Committee consist of the Chief Judge and three Associate Chief Judges, and that they be assigned the areas of responsibility set out below. This structure has been in place since May 2002, with the persons noted holding the office specified during the noted dates.

Chief Judge—C.C. Baird Ellan (Chief Judge for a 5 year term from July 2000 to June 2005)

- Planning the strategic development of the Court, chairing Planning Committee
- Representing the interests of and maintaining contact with judicial officers by traveling to conferences, outreach, well-being, mentoring and ethical advice.
- Representing the Court to the public including public ceremonies, public speaking, select media commentary.
- Representing the Court to government by direct liaison with the Attorney General and Deputy Attorney General and participation in Justice Review Task Force, Protocol meetings, Compensation Committees.
- Representing the Court to the profession: CBA/Law Society/visiting judiciary
- Representing the Court nationally and to other courts; Canadian Council of Chief Judges meetings/Superior Courts liaison meetings.
- Examination of complaints.
- Judicial Council: Chair of meetings, applications, screening, interviewing and dealing with appointments.
- Executive direction of judicial administration: meeting with Associate Chief Judges, Director of Judicial Administration and Legal Officer, reviewing and providing executive direction with respect to goal-setting and achievement, resource assessment and allocations.

Associate Chief Judge - Policy & Procedure - A.J. Spence (appointed Associate Chief Judge January 1, 2001)

- Primarily responsible for policy development
- Primary contact for JJPs
- Primarily responsible for Criminal, Civil & Family Procedure issues and development
- Oversees substantive, procedural and technological matters relating to the work of the Court
- Alternate presiding member of Judicial Council
- Primary responsibility for examining complaints (other than Chief Judge)

Associate Chief Judge - Operations - E.M. Burdett (appointed Associate Chief Judge February 1, 2002)

- Chair of Management Committee
- Supervisory responsibility for judicial resource allocation, including assignment of ad hoc/part-time/unassigned judges
- Supervision of Provincial ROTA program and liaison with Systems Department
- Primary contact for members of Management Committee
- Examines complaints as delegated by the Chief Judge

Associate Chief Judge - External - J.J. Threlfall (appointed Associate Chief Judge May 1, 2003)

- Represents Court to government in administrative matters
- Coordinates judiciary input on legislation
- Primary contact for government officials dealing with the Court other than Attorney and Deputy
- Assembles and circulates information on government plans/initiatives
- Implements administrative independence projects endorsed by the Executive Committee
- Some public relations and media responsibility
- Primary contact for interior of the province
- Liaises with British Columbia Provincial Court Judges Association (BCPCJA) and Canadian Association of Provincial Court Judges (CAPCJ)
- Examines complaints as delegated by the Chief Judge

2. New Chief Judge

In accordance with the Strategic Plan, the Court embarked for the first time upon a selection process for the next Chief Judge, to take office on June 30, 2005 after the expiry of Chief Judge Baird Ellan's 5 year term. As a result of this process, the Honourable H.C. Stansfield was appointed in March 2005, to take office as Chief Judge on July 1, 2005. This afforded a three-month transition period, to permit an orderly change in the administration of the Court.

The selection process involved the Attorney General appointing a nominating committee of the present Chief Judge, the Deputy Attorney General and the past President of the Law Society. The committee identified the following criteria, invited nominations and expressions of interest, interviewed five candidates, and made its recommendations to the Attorney General in early March 2005.

The criteria the committee identified were:

1. The candidate has the broad support of the judiciary, or the members of the judiciary are not materially opposed to the candidate's appointment and the candidate is capable of gaining the broad support of the judiciary;
2. The candidate has both the desire and the ability to lead the Court;
3. Preferably, the candidate has experience sitting in all divisions of the Court;

4. The candidate is capable of building consensus in relation to reforms and initiatives of the Court;
5. The candidate is capable of collaborating appropriately with government and government-related bodies without sacrificing the independence of judges or the Court;
6. The candidate has the ability to represent the Court to the public and to interact appropriately with media;
7. The candidate is capable of representing the Court to outside groups, including the bar, other courts, officials of other provinces and countries;
8. Demonstrated administrative ability inside or outside of the Court;
9. Organizational skills;
10. Good communication skills and public speaking abilities;
11. Decisiveness;
12. Understanding of the past and future challenges faced by the Court;
13. Vision and ability to plan for the future of the Court;
14. Ability and willingness to travel extensively;
15. Recognition of the requirement that the Chief Judge spend a significant portion of the time both in Vancouver and traveling throughout the province and the country, and ability to articulate a plan for time management in view of that requirement.

3. Management Committee

The Plan prescribed that the Administrative Judges designated pursuant to section 10 of the *Provincial Court Act* constitute the Court's Management Committee, and be chaired by the Associate Chief Judge - Operations. The Administrative Judges for 2004-2005 are listed below.

Administrative Judge M.J. Brecknell (Cariboo Northeast District)

Administrative Judge P.L.J. de Couto (North Fraser District)

Administrative Judge E.F. de Walle (North West District)

Administrative Judge E.L. Iverson (North Vancouver Island District)

Administrative Judge W.J. Kitchen (Vancouver Criminal District)

Administrative Judge W.G. MacDonald (South Fraser District)

Administrative Judge D.E. Moss (Coast District)

Administrative Judge M.E. Rae (Robson Square District)

Administrative Judge L.W. Smith (South Vancouver Island District)

Administrative Judge Nancy N. Phillips (Okanagan District) replacing Administrative Judge J.J. Threlfall on May 1, 2004

Administrative Judge Donald L. Sperry (Kootenay District) replacing Administrative Judge R.G. Fabbro on January 1, 2005

Administrative Judge Hermann Rohmoser (Kamloops District) replacing Administrative Judge T.A. Dohm on February 15, 2005

4. Traffic Court and Justice Centre Administration

The Court continued with two Administrative JJPs in accordance with the Strategic Plan. JJP Linda Mayner continued as the Administrative Judicial Justice of the Peace for the Traffic Court Division and JJP Patricia Schwartz was appointed Administrative Judicial Justice of the Peace on March 1, 2005 for the Justice Centre, replacing JJP Kathryn Pomfret.

THE JURISDICTION OF THE PROVINCIAL COURT

1. The Scope of the Court's Authority

The Provincial Court of British Columbia is one of two trial courts in the province, the other being the Supreme Court of British Columbia.

The Provincial Court's caseload encompasses the following primary subject areas: criminal, family and youth, civil, and traffic.

Appeals from Provincial Court decisions go to either the Supreme Court of British Columbia or the BC Court of Appeal, depending upon the nature of the case. Appeals on some Provincial Court cases may be taken to the Supreme Court of Canada, after the Court of Appeal.

The statutes listed below are the principal ones in which the court has jurisdiction. Under some of these enactments, jurisdiction is shared with the Supreme Court or split between the Provincial Court and the Supreme Court.

Federal Statutes:	Provincial Statutes:	
<ul style="list-style-type: none"> • Criminal Code • Youth Criminal Justice Act • Controlled Drugs and Substances Act • Firearms Act • Income Tax Act • Fisheries Act 	<ul style="list-style-type: none"> • Adult Guardianship Act • Child, Family and Community Service Act • Commercial Transport Act • Court Order Enforcement Act • Family Relations Act • Family Maintenance Enforcement Act • Health Act • Liquor Control and Licensing Act • Community Charter and Local Government Act (Bylaw Offences) • Inter-jurisdictional Support Orders Act 	<ul style="list-style-type: none"> • Mental Health Act • Motor Vehicle Act • Motor Carrier Act • Offence Act • Small Claims Act • Waste Management Act • Wildlife Act • Youth Justice Act

The Provincial Court's jurisdiction extends to all criminal cases except a few in which the Supreme Court has exclusive jurisdiction, listed in section 469 of the *Criminal Code* (such as murder, treason, piracy, alarming Her Majesty). For these, a preliminary inquiry is generally held in the Provincial Court, before the Supreme Court trial.

The Provincial Court does not conduct jury trials. It has exclusive jurisdiction in all summary conviction trials and hears trials in all indictable matters where the accused does not elect a jury trial or a trial by a Supreme Court Judge.

In family matters, the Provincial Court has jurisdiction in child protection cases, maintenance, custody, guardianship, and access, but not divorce, adoption, or the division of family property.

The Provincial Court's jurisdiction in civil matters extends to cases with a monetary limit of \$10,000 (although as noted below, this will increase to \$25,000 on September 1, 2005).

Provincial ticket offences, primarily traffic, are heard by judicial justices of the peace. Judicial justices of the peace also hear bail and search warrant applications by fax and telephone through the Justice Centre.

On September 1, 2004, the Chief Judge issued a revised assignment of duties for judicial justices of the peace, pursuant to the Chief Judge's authority over assignment of justices of the peace under s. 11 of the Provincial Court Act.

The revision removed from JJPs' assignment all non-traffic related municipal bylaw offences. The decision to alter the assignment in this manner was taken in light of the increasing complexity of municipal cases and the consequential scheduling problems in the JJP division of the Court. Judges have so far been able to accommodate these matters without additional resources.

The revision also removed the JJPs' assignment to deal with payment hearings under the Small Claims Act. Under the *Small Claims Act* JJPs may not preside over default hearings and do not have powers to cite for contempt. The JJPs identified this problem to the Chief Judge in 2003 and, after review, the Chief Judge assigned these hearings to Judges.

2. Legislative Changes

a. Federal

During the fiscal year April 1, 2004 to March 31, 2005, provisions were enacted under five federal Acts affecting or expanding Provincial Court jurisdiction.

On April 21, 2004 most provisions of *An Act to Amend the Criminal Code and other Acts*, S.C. 2004, c. 12, came into force, with a further provision coming into force on October 1, 2004. This statute made a variety of miscellaneous changes to the Criminal Code and other related statutes.

New provisions of the *Criminal Code of Canada* came into force on June 1, 2004 related to the preliminary inquiry provisions of the *Code*. These changes were made by way of the *Criminal Law Amendment Act, 2001*, S.C. 2002, c.13 and provide *inter alia* that the crown or defence must now specifically request a preliminary inquiry. They include new provisions relating to focusing hearings intended to assist the parties in identifying issues, witnesses to be heard and matters that might promote an expeditious inquiry.

On September 15, 2004 significant portions of *An Act to Amend the Criminal Code* (capital markets, fraud and evidence-gathering), S.C. 2004, c. 3 came into force, including those provisions dealing with production orders as an evidence-gathering mechanism.

On December 1, 2004, Part 4 of the *Public Safety Act, 2002*, S.C. 2004, c. 15, came into force resulting in the addition to the *Criminal Code* of a new offence related to hoaxes suggesting that terrorist activity was occurring or was about to occur. In addition, s.108 of

the *Public Safety Act*, created a new definition of the word “offence” in s.183 of the *Criminal Code*.

On December 15, 2004 the *Sex Offender Information Registration Act*, S.C. 2004, c.10 (“*SOIRA*”), came into force. This legislation provides for a registration system for persons convicted of a variety of offences listed in the legislation. The legislation also amends the *Criminal Code* to require courts to make orders obliging offenders to register under *SOIRA*, unless the offender successfully applies to court for an exemption.

b. Provincial

Provisions of the *Local Government Bylaw Notice Enforcement Act*, S.B.C. 2003, c. 60, came into force on May 3, 2004. This legislation allows for the establishment by local government of bylaw enforcement mechanisms, including a bylaw notice dispute adjudication process. Further provisions came into force on January 1, 2005.

Amendments to the *Family Maintenance Enforcement Act* enacted by the *Miscellaneous Amendments Act (No. 3)*, 2003, S.B.C., 2003, c.96 (s. 19 and s. 21), came into force on July 23, 2004.

The *Justice Modernization Statutes Amendment Act*, 2004, S.B.C. 2004, c. 65 (the “*Act*”), received Royal Assent on October 21, 2004. This legislation deals with a variety of Acts, including the *Class Proceedings Act*, the *Crown Proceeding Act*, the *Evidence Act* and the *Small Claims Act*. Section 6 of the *Act*, which is an amendment to the *Evidence Act* to assist in the use of electronic court documents, came into force on February 25, 2005. These new sections of the *Evidence Act* define and provide for use of “electronic court documents,” “electronic court system” and a “secure electronic signature” in anticipation of courts establishing a process for the electronic filing of documents with the courts. The *Act* also amends the *Small Claims Act* to allow the Lieutenant Governor in Council to make regulations prescribing the amount claimable under the *Small Claims Act*, up to \$50,000. A regulation was subsequently enacted (OIC #357/2005), effective September 1, 2005, raising the monetary limit in small claims matters to \$25,000.

Portions of the *Motor Vehicle Amendment Act*, 2004, S.B.C. 2004, c.68, came into force on December 13, 2004, January 1, January 17, and April 1, 2005 (as amended by provisions of the *Miscellaneous Statutes Amendment Act*, 2005, S.B.C. 2005, c. 2). Among the changes made to the *Motor Vehicle Act*, R.S.B.C. 1996, c. 318, are the replacement of subsections 95 (1)(c) and (d), 102(c) and 234(2)(a) and (b), which relate to penalties for convictions for driving while prohibited or suspended.

Portions of the *Attorney General Statutes Amendment Act, 2005*, S.B.C. 2005, c. 1, came into force on February 22, 2005, having the effect of removing the necessity of the Attorney General consulting with the Chief Judge of the Provincial Court before fines were prescribed under s. 132 of the *Offence Act*, R.S.B.C. 1996, c. 338. In addition, the statute amended the *Provincial Court Act*, R.S.B.C. 1996, c. 379 regarding end-dates for the Court's senior judges' program under s. 9.1 of the Act.

An Electronic Filing Pilot Project Rule was created on March 18, 2005 (BC Reg. 133/2005, effective July 1, 2005) as Rule 22 to the *Small Claims Rules*, BC Reg. 261/93. The Pilot Project Rule, which expires July 2, 2007, relates to the filing of electronic documents in small claims proceedings. Similar Rules were also made by the British Columbia Supreme Court (BC Reg. 136/2005) and Court of Appeal (BC Reg. 135/2005).

BC Reg. 134/2005 amended, effective April 1, 2005, the *Small Claims Rules*, BC Reg. 261/93, to add the Victoria Small Claims Registry to the Schedule D list of registries for mediation cases.

THE PROVINCIAL COURT'S CASELOADS

1. Incoming Cases by Subject Matter

During the fiscal year 2004-05, the Provincial Court received 235,097 new cases as compared with 61,986 received by the Supreme Court in the same period.

About 43% of Provincial Court caseloads are criminal and youth matters, 35% are traffic matters, and about 22% family and small claims.

Over 99% of all criminal cases in British Columbia are conducted and completed in the Provincial Court (100,758 new criminal cases in Provincial Court in 2004-05, compared to 1,081 new criminal cases in the British Columbia Supreme Court).

While the number of new adult criminal cases continued to decline again in the year, the rate of descent was not as sharp as it has been in recent fiscal years, marking what could be a levelling off period. New youth cases continued to reflect a reduction in caseload, in part likely due to the *Youth Criminal Justice Act's* emphasis on alternate measures.

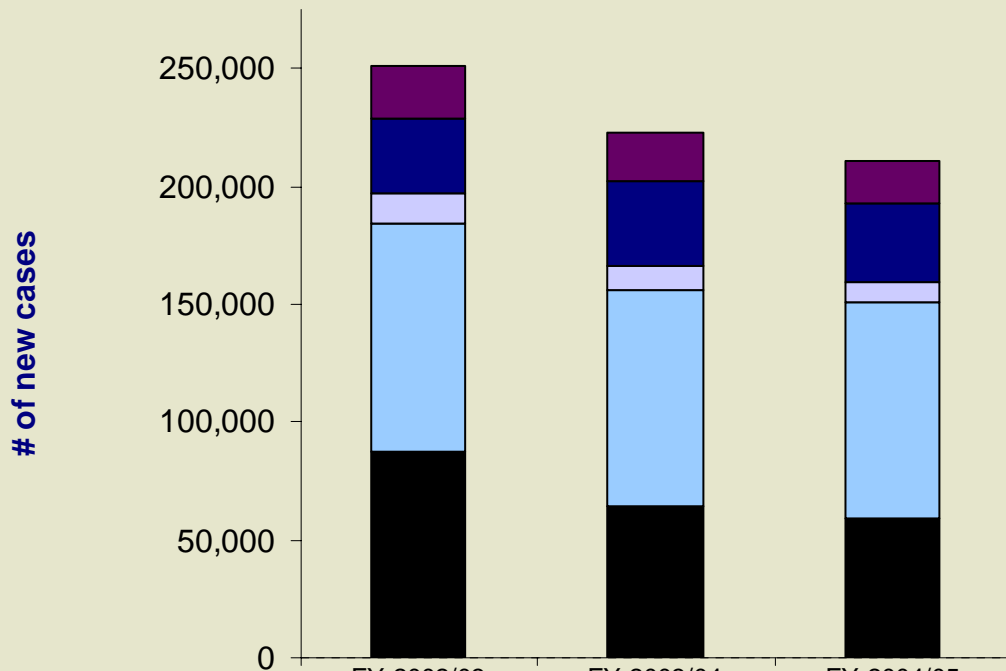
Sharing jurisdiction with the Supreme Court in matters of child custody, access, maintenance, and maintenance enforcement, the Provincial Court hears more than 33,000 family cases each year (including repeat applications on existing files) or about 72% of all family matters in the province.

New *Family Relations Act* cases decreased slightly in the year; however, subsequent applications on files commenced before 2004/2005 continued to increase. The number of new cases and subsequent applications under the *Child, Family and Community Service Act* decreased slightly over the past fiscal year.

The Provincial Court hears almost 18,000 civil cases each year, which represents about 37% of the Supreme Court's civil volume. Volumes of civil cases filed in the Court continued to decline in the 2004/05 fiscal year, but are expected to rise again following the increase in the Court's monetary jurisdiction to \$25,000 on September 1, 2005.

Traffic caseloads also again decreased during the year. Changes to the jurisdiction of judicial justices of the peace (outlined in last year's annual report) may have been a factor in this decreased caseload.

The following chart shows comparative caseloads for new cases for the current and previous two fiscal years, by subject.



	FY 2002/03	FY 2003/04	FY 2004/05
■ Civil	22,370	20,377	17,838
■ Family (includes FRA, CFCSA and Subsequent Applications)	31,768	36,026	33,205
□ Youth	12,980	9,827	8,869
■ Adult Criminal	96,878	92,250	91,889
■ Traffic	87,178	64,075	58,712

Comparative Caseloads in BC Provincial Court

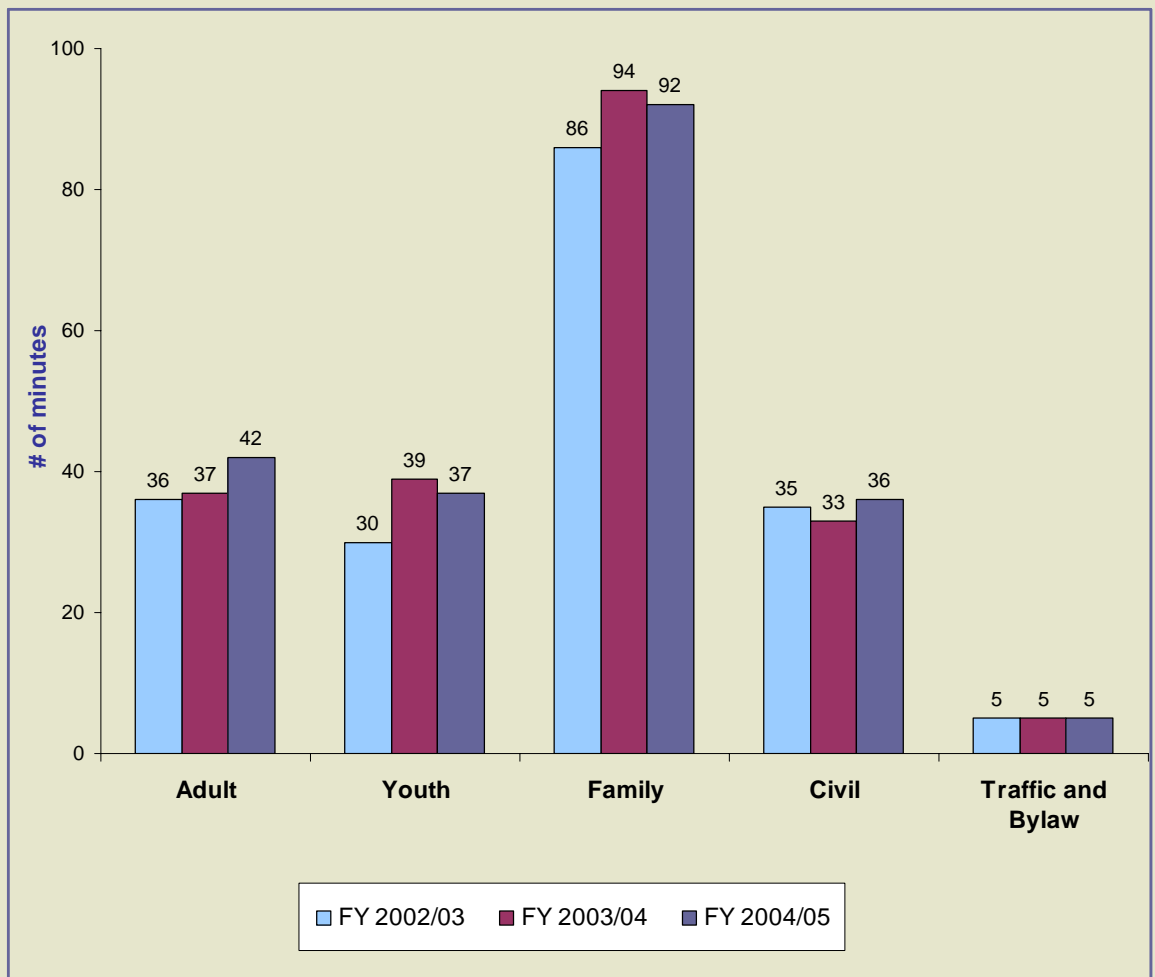
2. Trends in Case Lengths

The court tracks provincial average case lengths based upon time spent on case types. There are significant variations in average case lengths per type between districts for some case types. Average case lengths are calculated based on total caseloads and total time spent.

Average case lengths therefore represent the average time spent per case to deal with all incoming cases, from those concluded in a few minutes or several brief appearances, to trials up to several months or even years in length. About 7% of incoming matters proceed to a trial.

The graph below shows changes in provincial average case lengths for the year. Rises in adult criminal and civil will need to be monitored during the next year.

Average Case Length per Case Type (in minutes)



3. Next Available Trial Dates (Backlog)

The Court also tracks backlog through surveys of the "next available trial date" per district by subject matter, not including traffic. This represents the average wait for trial based on the delay between the setting of a case and its trial date.

Most districts remained within an acceptable range, though backlogs had developed in a few locations for adult criminal and civil cases, due mainly to under-resourcing.

During the year, the Management Committee endorsed a number of court performance measures and set standards in the following areas: time to trial for 1/2 day adult criminal trials (90% within 6 months), time to trials for 2 day adult criminal trials (90% within 8 months); time to trial for youth matters (90% within 4 months); time to small claims settlement conferences from filing of reply (90% within 2 months); time to trials for small claims actions (90% within 4 months); time to hearing for child protection matters (90% within 3 months); and family hearings (90% heard within 4 months).

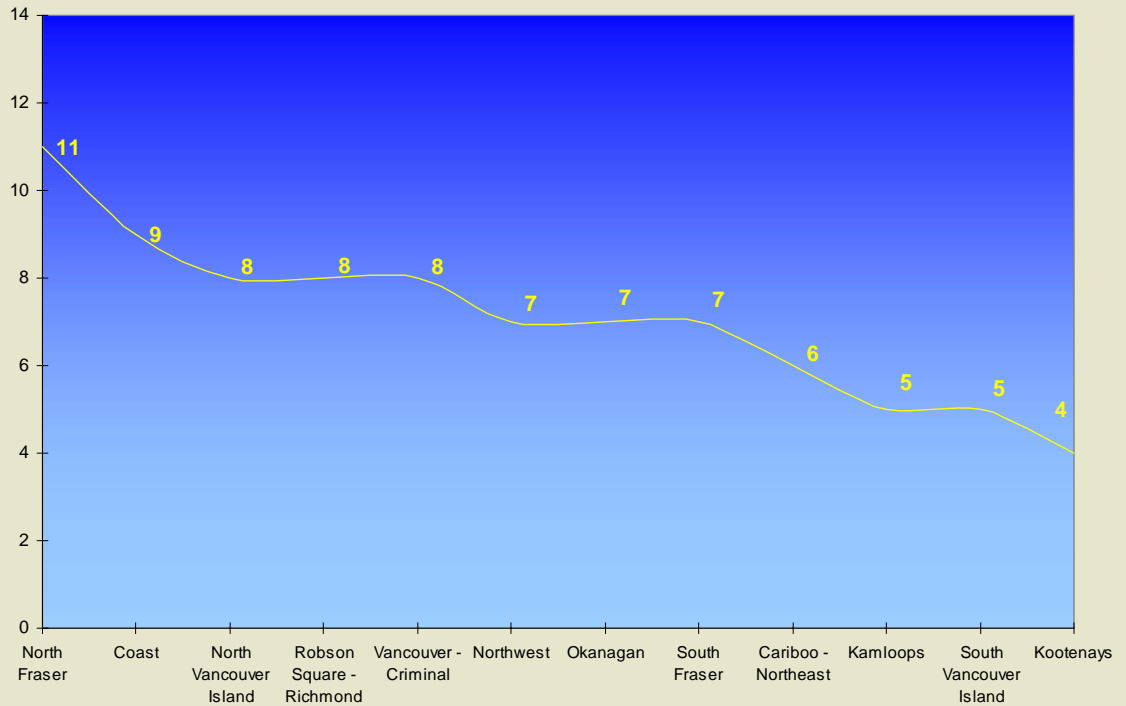
In February 2004, the Attorney General and Chief Judge announced a joint initiative to get criminal cases to trial faster at Vancouver's Provincial Criminal Court, 222 Main Street. Over the balance of 2004, the initiative's Main Street Criminal Procedures Committee, chaired by Chief Judge Baird Ellan, took steps resulting in a reduction in backlogs from 11 to 7 months by December 2004.

In the spring of 2005 the Court undertook a major small claims backlog reduction project in Richmond, with judicial resources being temporarily reallocated from around the province. This effort reduced the backlog in Richmond from the last fiscal year's delay to trial of 12 months, to a delay of 5 months. A similar concentrated backlog reduction initiative for North Fraser adult criminal, planned during the current fiscal year for the fall of 2005, should show similar favourable results.

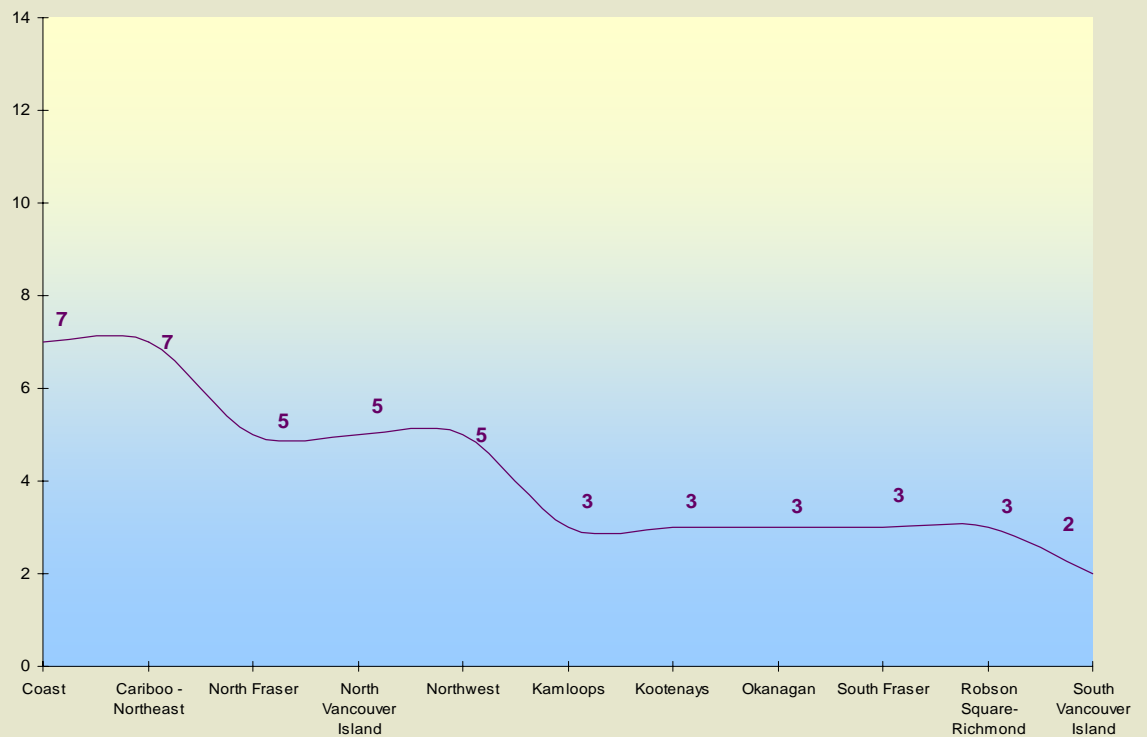
Traffic backlogs continue to be addressed through reductions in caseload and case length, and more effective time utilization in the JJP division.

The following charts show backlogs by location and subject matter at the close of the fiscal year.

Next Available Trial Dates (Backlog) Criminal—March 31, 2005

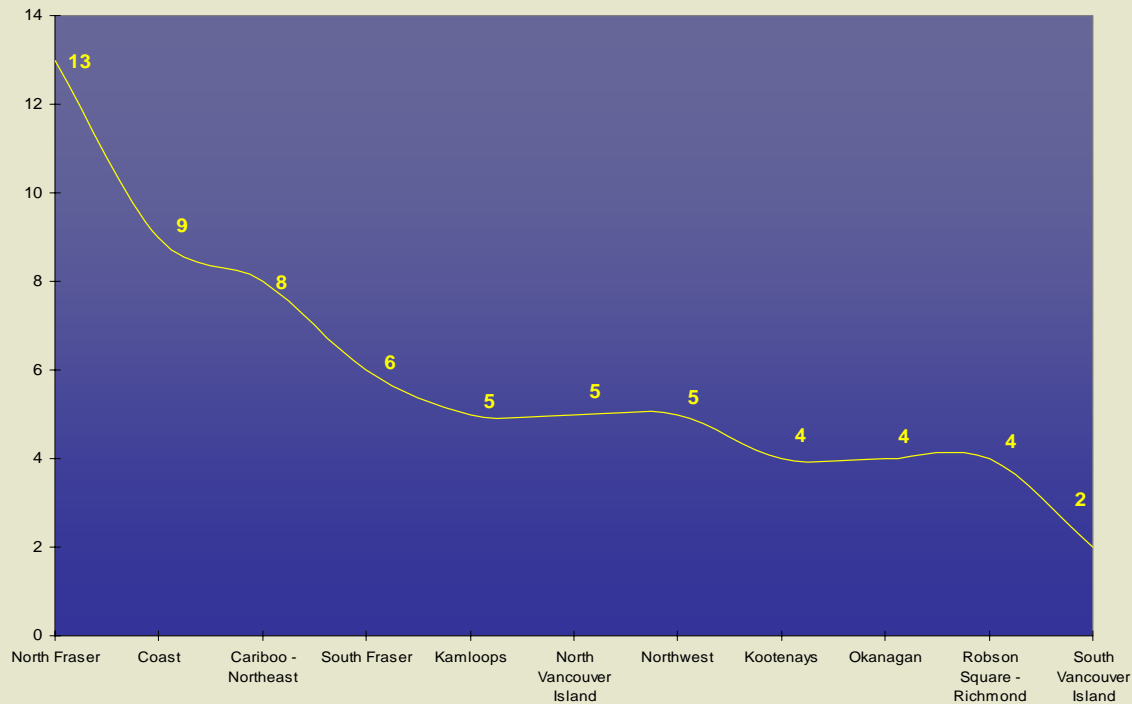


Next Available Trial Dates (Backlog) Family—March 31, 2005



Next Available Trial Dates (Backlog) Small Claims—March 31, 2005

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4. Judicial Resource Assessment & Allocation

The Court continues to develop and refine its method of assessing needs for judicial resources province-wide, through a formula based on incoming caseloads, backlogs and average case lengths. The workload of each judicial district is broken down between all divisions in which the court sits and is compared against standards set by the Chief Judge and the Management Committee. Other factors considered in this assessment include travel challenges of some districts, long term illnesses of judges, future retirements and relocation of judges.

Required resources by district are assessed based on the three-year average of case lengths by type, estimated incoming caseloads for the current period, available judge sitting time, and backlog, to arrive at a projected required number of judges per judicial district. This comparator is used for the purpose of assigning judges within and between districts, and identifying vacancies for appointment requests by the Chief Judge.

During the fiscal year, the Court enhanced its “unassigned judges” program by creating a pool of unassigned judge time proportionate to each district’s number of resident judges. This “reserve” of sitting time is used for backlog reduction, emergency coverage and reallocation of required resources between districts, throughout the year.

FACILITIES

The following is a list of the 88 court locations throughout the province, including circuit courts.

COAST		OFFICE OF THE CHIEF JUDGE	
North Vancouver Pemberton* Powell River Sechelt	The Honourable Admin. Judge D.E Moss Tel: (604) 981-0259	Bella Bella* Bella Coola* Good Hope Lake* Lower Post* Klemtu*	Tel: (604) 660-2864
KAMLOOPS		OKANAGAN	
Ashcroft* Chase* Clearwater Kamloops Lillooet* Merritt*	The Honourable Admin. Judge H. Rohmoser Tel: (250) 828-4081	Kelowna Penticton Princeton* Revelstoke* Salmon Arm Vernon	The Honourable Administrative Judge N. Phillips Tel: (250) 470-6811
KOOTENAYS		CARIBOO NORTHEAST	
Castlegar* Cranbrook Creston* Fernie* Golden Grand Forks* Invermere* Nakusp Nelson Rossland Sparwood*	The Honourable Admin. Judge D.L. Sperry Tel: (250) 362-7368	Alexis Creek* Anahim Lake* Chetwynd* Dawson Creek Fort Nelson Fort St. James* Fort St. John Fraser Lake* Hudson's Hope* Kwadacha (Fort Ware)* Mackenzie McBride* 100 Mile House* Prince George Quesnel Tsay Keh Dene* Tumbler Ridge* Valemount Vanderhoof* Williams Lake	The Honourable Admin. Judge M.J. Brecknell Tel: (250) 614-2770
NORTH FRASER		VANCOUVER RICHMOND	
New Westminster Port Coquitlam	The Honourable Admin. Judge P.J. de Couto Tel: (604) 927-2166	Vancouver Civil & Family (Robson Square) Richmond	The Honourable Admin. Judge M.E. Rae Tel: (604) 660-8377
N.VANCOUVER ISLAND		SOUTH FRASER	
Campbell River Courtenay Gold River* Nanaimo Port Alberni Port Hardy Powell River Tahsis* Tofino* Ucluelet*	The Honourable Admin. Judge E.L. Iverson Tel: (250) 741-3856	Abbotsford Chilliwack Surrey	The Honourable Admin. Judge W.G. MacDonald Tel: (604) 572-2300
NORTHWEST		S. VANCOUVER ISLAND	
Burns Lake Dease Lake* Houston* Kitimat* Masset New Aiyansh* New Hazelton* Prince Rupert Queen Charlotte City* Smithers Stewart* Terrace	The Honourable Admin. Judge E.F. De Walle Tel: (250) 638-2147	Duncan Ganges* Sidney* Victoria West. Communities (Colwood)	The Honourable Admin. Judge L.W. Smith Tel: (250) 356-1032
* unstaffed court locations (circuit courts)		VANCOUVER CRIMINAL	
		Vancouver Crim. (Main St.)	The Honourable Judge W.J. Kitchen Tel: (604) 660-4300

FINANCIAL REPORTS

1. 2004/2005 Budget Submissions and Expenditures

	Budget	Actual	Variance	
SALARY	\$28,916,000	\$28,121,122	\$794,878	(1)
SUPP. SALARY	8,000	42,415	(34,415)	(2)
BENEFITS	6,651,000	6,525,374	125,626	
J.COUNCIL/AD HOC	385,000	337,307	47,693	
TRAVEL	1,305,000	1,301,044	3,956	
CENT MGNT SUP. SVCE	284,000	284,502	(502)	
PROF. SERVICES	71,000	55,691	15,309	
DATA/TELEPHONE	207,000	275,025	(68,025)	(3)
OFFICE EXPENSE	678,000	802,263	(124,263)	(4)
ADVERTISING	3,000	0	3,000	
SUPPLIES	73,000	75,737	(2,737)	
VEHICLES	45,000	43,200	1,800	
AMORTIZATION EXP.	348,000	273,960	74,040	(5)
BUILDING LEASE	454,000	490,029	(36,029)	(6)
C.A.P.C.J. GRANT	6,000	7,200	(1,200)	
LIBRARY	207,000	184,079	22,921	(7)
INTEREST ON NON-CAPITAL LEASES	9,000	1,639	7,361	
GENERAL EXPENSES	7,000	(2,184)	9,184	
Sub-Total Operating	\$39,657,000	\$38,818,403	\$838,597	
Operating Variance as per Financial Management Report			838,597	

Provincial Court Judges	139.32
Judicial Justices of the Peace (JJP)	26.57
Staff	74.63
Total FTE:	240.52

	Budget	Actual	Variance
Capital Budget Variance (Systems and Furniture)	\$112,000	\$69,902	\$42,098

- (1) Appointment lag for judge/JJP replacements; savings for judges/JJPs on LTD
- (2) Funding allocated for supplementary salaries was included in salary budget
- (3) Increased expenditures for disaster recovery plan
- (4) Increased equipment leasing costs, stationery/office supplies & professional allowance
- (5) Amortization of systems and assets not charged as anticipated
- (6) Additional office relocation costs
- (7) Reductions to subscriptions

2. Expenditures and Variances for Ad Hoc Judges & Ad Hoc Judicial Justices of the Peace

Ad hoc judges and JJPs are deployed on a short-notice, emergency basis to cover for short-term illness or other unexpected shortages of judicial resources. They receive per diem remuneration when assigned by the Office of the Chief Judge. Amounts paid to ad hoc judges and JJPs are budgeted separately from salaries. The ad hoc judge and JJP budget may be supplemented from the budget for salaries of judges and JJPs, where appointments are delayed or a judge or JJP is on long term disability. The ad hoc judge program is increasingly being replaced by the Unassigned Judges Program discussed above.

The following charts show the amount of time committed to ad hoc judge and judicial justice of the peace services in the 2004-2005 fiscal year. Costs for ad hoc judges decreased due to the increase in use of judges from the Unassigned Judge Program and the reduced availability of ad hoc judges during the year. Costs for JJPs exceeded budget to cover long term sick leave absences.

2004/ 2005 Ad Hoc Judge Usage & Expenditures

FOR FISCAL YEAR 2004/2005	DAYS USED	\$ AMOUNT
TOTAL USAGE	177.00	\$155,589.00
TOTAL BUDGET (days)	240.00	\$172,080.00
VARIANCE	(63.00)	(\$16,491.00)

2004/ 2005 Ad Hoc Judicial Justice of the Peace Usage & Expenditures

FOR FISCAL YEAR 2003/2004	DAYS USED	\$ AMOUNT
TOTAL	436.35	\$121,345.00
TOTAL BUDGET	240.00	\$67,680.00
VARIANCE	(196.35)	(\$53,665.00)

JUDICIAL COMPLEMENT

1. Judges

At the commencement of the fiscal year, in April 1, 2004, the complement of provincial court judges totalled 135 full time judges, 13 part time and 5 ad hoc judges.

At March 31, 2005, the complement was 135 full time, 16 part time and 5 ad hoc judges. The following changes in the complement of judges took place during the 2004-2005 fiscal year.

“Part time” refers to senior judges who have elected to receive pension and to work a reduced schedule of approximately half time, pursuant to section 9.1 of the *Provincial Court Act*. This program was enacted initially as a pilot to end March 31, 2005, but was continued as a permanent program through government’s February 16, 2005 adoption of the recommendation of the 2004 Judges Compensation Commission Report, based upon a joint submission of the Ministry of the Attorney General and the judiciary.

Retirements

Judge	Date	Administrative District
G.D. Gillis	April 30, 2004	Robson Square – Richmond
E.D. Scarlett (deceased)	May 20, 2004	South Fraser
E.H. Bendrodt (p/t)	June 30, 2004	Vancouver - Criminal
M.I. MacAlpine (p/t)	Dec 31, 2004	South Fraser
D.B. Overend (p/t)	March 31, 2005	Okanagan

Part Time Elections

Judge	Date	Administrative District
D.M. Waurynchuk	Aug 1, 2004	Kootenays
H.J. McGivern	Oct 1, 2004	Vancouver - Criminal
T.D. McGee	Feb 1, 2005	Vancouver - Criminal
D.I. Smyth	Feb 1, 2005	Vancouver - Criminal
P.L. Maughan	Feb 1, 2005	Vancouver - Criminal
W.F. Stewart	Mar 1, 2005	South Fraser

Appointments

Judge	Date	Administrative District
G.T.W. Bowden	May 14, 2004	South Fraser
J.O. Wingham	May 14, 2004	South Fraser
R.J. Webb	Aug 27, 2004	Kootenays
M.A. Gray	Nov 9, 2004	Cariboo–Northeast
E. Gordon	Dec 6, 2004	South Fraser
M.B. Hicks	Feb 21, 2005	South Fraser
B.A. Daley	Mar 14, 2005	Cariboo–Northeast
D.H. Weatherly	Mar 29, 2005	Cariboo–Northeast
B.A. Dyer	Mar 29, 2005	South Fraser

Transfers

Judge	Date	Location
E.M. Burdett	July 1, 2004	Coast to Okanagan
P.V. Hogan	Oct 1, 2004	Vernon to Kelowna
M.G. Takahashi	Oct 1, 2004	Nelson to Vernon
D.M. Waurynchuk	Jan 1, 2005	Kootenays to Kelowna
E.A. Ferbey	Jan 1, 2005	Abbotsford to Vancouver

Office of the Chief Judge

C. C. Baird Ellan, Chief Judge

Ad Hoc Judges:

C.C. Barnett

F.S. Green

L.A.T. Nimsick

K.D. Page

T.W. Shupe

Cariboo—Northeast:

M.J. Brecknell, Administrative Judge

E.L. Bayliff

E.C. Blake

R.R. Blaskovits

C.D. Cleaveley

B.A. Daley

B.L. Dollis

M.A. Gray

R.B. Macfarlane

K.D. Skilnick

R.E. Walker

R. Walters

D. H. Weatherley

Coast

D.E. Moss, Administrative Judge

J. Auxier

W.J. Diebolt (p/t)

J. Gedye

D.E. Moon

W.J. Rodgers

Kamloops

H. Rohrmoser, Administrative Judge

W.A. Blair (p/t)

T.A. Dohm

J.P. Gordon (p/t)

E.A. Sather (p/t)

B.W. Sundhu

Kootenays

D.L. Sperry, Administrative Judge

D.C. Carlgren

R.G. Fabbro

R.J. Webb

North Fraser

A.J. Spence, Associate Chief Judge

P.L.J. de Couto, Administrative Judge

T. Alexander

S.C. Antifaev

G.P. Angelomatis

M.R. Buller Bennett

J.C. Challenger

R.P. Chen

S. Dossa

D.D. Potheary

D.M.B. Steinberg

D. Stone

North Vancouver Island

E.L. Iverson, Administrative Judge

J.D. Cowling

P.M. Doherty

R.A. Gould

J.I.D. Joe

B.R. Klaver

C.D. Lazar (p/t)

K.J. Libby (p/t)

J.E. Saunders

B. Saunderson

Northwest

E.F. de Walle, Administrative Judge

W.R. Jack

A.K. Krantz

J.R. Milne

H.J. Seidemann

Okanagan

E.M. Burdett, Associate Chief Judge

J.J. Threlfall, Associate Chief Judge

N.N. Phillips, Administrative Judge

E.R. Brecknell

J.P. Cartwright (LTD)

B.J. Grannary (LTD)

P.V. Hogan

W.W. Klinger

G.G. Sinclair

R.R. Smith

H.C. Stansfield

M.G. Takahashi

D.M. Waurynchuk (p/t)

Robson Square - Richmond

M.E. Rae, Administrative Judge
 B.K. Davis
 H.K. Dhillon
 E.A. Ferbey
 R.D. Fratkin
 J.F. Galati
 R.M. Gallagher
 E.J. McKinnon
 P.R. Meyers
 M.R. Mondin
 D.R. Pendleton
 V. Romilly
 E.D. Schmidt
 D. Senniw
 A.R. Tweedale
 J.E. Watchuk
 J.F. Werier
 W.F.W. Yee

South Fraser

W.G. MacDonald, Administrative Judge
 K.W. Ball
 M.C. Borowicz
 G.T.W. Bowden
 R.B. Caryer
 J.G. Cohen
 T.J. Crabtree
 T.D. Devitt
 B.A. Dyer
 H. Field
 G.S. Gill
 E. Gordon
 P.D. Gulbransen
 M.B. Hicks
 B.G. Hoy
 P.A. Hyde
 J.W. Jardine
 R.J. Lemiski (p/t)
 J.J. Lenaghan
 J.R. Lytwyn
 C.B. MacArthur (p/t)
 S.K. MacGregor
 C.G. Maltby
 R.D. Miller
 S. Point (*on leave for 3 year appointment
 as Chief Commissioner of BC Treaty
 Commission*)
 R. Raven
 C.J. Rounthwaite
 W.F. Stewart (p/t)
 M.H. Thomas (p/t)
 J. Wingham
 W.A. Young

South Vancouver Island

L.W. Smith, Administrative Judge
 J.K. Bracken
 L.F.E. Chaperon
 A.I. Ehrcke
 A.E. Filmer (p/t)
 L.J.M. Harvey
 R.A. Higinbotham
 J.M. Hubbard
 J.N. Kay
 B.D. MacKenzie
 B.M. Neal
 A.J. Palmer
 E.J. Quantz

Vancouver - Criminal:

W.J. Kitchen, Administrative Judge
 E.A. Arnold
 C.L. Bagnall
 B.E. Bastin
 C.J. Bruce
 J.E. Godfrey
 T.J. Gove
 F.E. Howard
 R.R. Low
 M.O. MacLean
 P.L. Maughan (p/t)
 T.D. McGee (p/t)
 H.J. McGivern (p/t)
 J.F. Palmer
 A.E. Rounthwaite
 K.A.P.D. Smith (p/t)
 D.I. Smyth (p/t)
 C.J. Trueman (LTD)
 C.E. Warren
 H.F. Weitzel

2. Judicial Justices of the Peace

Judicial Justices of the Peace (JJP) are justices of the peace who are designated as judicial justices pursuant to section 30(1) of the *Provincial Court Act*. Under section 11 of the *Provincial Court Act*, JJPs are assigned by the Chief Judge to preside over traffic bylaw matters and ticketable offences under provincial legislation, and to hear bail and search warrant applications.

Bail and search warrant applications conducted by JJPs are heard primarily by facsimile and telephone through the Justice Centre, located in Burnaby. The Centre operates on a 24-hour basis.

At the commencement of the fiscal year, at April 1, 2004, there were 28 full time, 3 part-time and 2 ad hoc JJPs, and 213 non-sitting justices of the peace, which include judicial case managers.

At March 31, 2005, the complement was 29 full time, 2 part time and 3 ad hoc JJPs, and 222 non-sitting JPs.

The following changes in the complement of JJPs occurred during the year:

Retirements/Resignations

Judicial Justice of the Peace	Date	Location
H. Gaffney (ad hoc)	May 31, 2004	Office of the Chief Judge
D. Henderson (p/t)	March 31, 2005	South Fraser

Appointments

Judicial Justice of the Peace	Date	Location
J.S. Arntsen	May 10, 2004	Justice Centre
G.C. Foster (ad hoc)	May 10, 2004	Office of the Chief Judge
K.M. Yamamoto (ad hoc)	August 20, 2004	Office of the Chief Judge

Transfers

Judicial Justice of the Peace	Date	Location
B.D. Lambert	November 15, 2004	Abbotsford to Chilliwack
J.D. Clark	January 1, 2005	New Westminster to Robson

Judicial Justices of the Peace by Headquarters as of March 31, 2005

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Justice Centre:

- J.N. Aasen
- J.S. Arntsen
- I.L. Blackstone
- J. Chellappan
- B.S. Cyr
- P.L. Dodwell
- G. Hayes
- S. Joseph-Tiwary
- D.H. Maihara
- D.M. North
- K.M. Pomfret
- C.L. Rogers
- P. Schwartz
- J.M. Wakefield

Richmond:

- L.L. Mayner
- K.M. Morrison (p/t)
- J. Smigel

North Fraser:

- C.M. Proctor

South Fraser:

- B.D. Lambert

Vancouver (Robson Square):

- R. Almond
- M. Kobiljski (LTD)
- Z. Makhdoom
- A.M. Osborne
- E. Turley (LTD)
- J.D. Clark

North Island:

- J.F. Dodd

South Island:

- G.E. Madrick (p/t)

Coast:

- P.M. Lim

Office of the Chief Judge:

- K.M. Yamamoto (ad hoc)
- G.C. Foster (ad hoc)
- D. Henderson (ad hoc)
- D.W. Rivett (ad hoc)

Okanagan:

- L.J. Taylor

Prince George:

- C.D. Jolly

Justice Centre Support Staff

A group of dedicated personnel listed below provided support services to JJPs assigned to the Justice Centre throughout the current fiscal year.

Justice Centre - JJP Support Staff as of March 31, 2005

Supervisors

Darlene Mayo
Erin Weisbrod

Support Staff

Rachel Fujinami
Laura Ceklaj
Erin Smith
Sandra Trochta
Judi Morris
Carissa Unger

3. Judicial Case Managers

Judicial Case Managers (JCMs) are employees of the judiciary who are responsible, under the supervision of the Administrative Judges, for court scheduling, coordination of judges' sittings, conducting initial criminal appearances, and managing the flow of cases. They are instrumental in ensuring that judicial resources are effectively allocated and utilized in a manner consistent with the rules and policies of the Court. Judicial Case Managers are justices of the peace and exercise judicial discretion as part of their duties.

The following were the Court's 36 judicial case managers as at March 31, 2005:

Judicial Case Managers - At March 31, 2005

Vancouver—Criminal:

- T.L. Hill
- C.J. Johnstone
- K.E. MacKenzie
- L.L. Stokes
- L.T. Caporale

Robson Square—Richmond:

- C. Goodrich
- C. Mayhew
- B. Brown
- J.A. Norton

Kootenays:

- M.J. Jensen (Cranbrook) (p/t)
- S.P. Hadikin (Nelson) (p/t)

Kamloops:

- S.D. Paul (Kamloops)

Okanagan:

- D.C. Krenz
- B.L. Vincent

Northwest:

- L. Leonardes (Terrace) (p/t)
- C.M. Foerster (Prince Rupert) (p/t)
- S.E. Portschi (Smithers) (p/t)

North Vancouver Island:

- C.M. Ballman (Courtenay/Campbell River)
- V. Mitchell (Nanaimo)

South Vancouver Island:

- S.L. Cole (Duncan/Colwood) (p/t)
- D. Henry (Victoria)
- Y. Locke (Victoria)
- M.L. Preston (Victoria)

North Fraser:

- M.L. deKeruzec (Port Coquitlam)
- S. Gill (Port Coquitlam)
- W.R. Bennett (New Westminster)

South Fraser:

- D.J. Hodge (Surrey)
- J. Jenvey (Surrey)
- A. Mitchell (Abbotsford) (p/t)
- S. Thorne (Surrey)
- M.K. Warwick (Abbotsford)
- B.L. West (Surrey)
- A.L. Schulz (Chilliwack)

Cariboo—Northeast:

- D. Phillipow (Prince George)
- S.D. Jasper (Quesnel) (p/t)

Coast:

- S.I. McLarty (North Vancouver)

4. Judicial Administrative Assistants

Judicial Administrative Assistants (JAAs) are judiciary employees who perform administrative services for Administrative Judges, Judges and JJPs in their administrative district. Their duties include organizing meetings, preparing written judgments, preparing the judges' rota, and keeping court statistics. JAAs are under the supervision of the Administrative Judges.

The following were the 23 judicial administrative assistants at March 31, 2005:

Judicial Administrative Assistants - At March 31, 2005

Vancouver Criminal:

- L. Lockstidt
- A. Romilly
- P.F. Mark

Vancouver Richmond:

- J.F. Crichton (Robson Square)
- C.L. McNeill (Robson Square)
- C. Mayhew (Robson Square) (p/t)
- A. Molgat (Richmond) (p/t)

North Fraser:

- J. Hanif (Port Coquitlam)
- D. Twerdun (New Westminster)
- J.A. Anderson (Port Coquitlam) (p/t)

South Fraser:

- J.F. Chan (Surrey)
- V.L. Statler (Surrey)
- L. Burgess (Chilliwack) (p/t)
- P. Sahota (Abbotsford) (p/t)

South Vancouver Island:

- A. Bruce (Victoria)
- C.J. Gutosky (Victoria)

North Vancouver Island:

- K. Steele (Nanaimo)

Okanagan:

- M. Low (Kelowna)

Cariboo Northeast:

- L.S. Bishop (Prince George)
- J. Cunard (Williams Lake) (p/t)

Kamloops:

- S.E. Chernoff (Kamloops)

Northwest:

- L. Leonardes (Terrace) (p/t)

Coast:

- D. Garcia (North Vancouver)

5. Office of the Chief Judge Staff

The following were the judiciary staff members employed at the Office of the Chief Judge during the 2004 – 2005 fiscal year, and their respective duties:

1. **Director of Judicial Administration:** (Mike Smith) - under the direction of the Chief Judge, responsible for managing judicial administration matters, including liaison with government, management of the Court's budget, systems, resources, facilities, technology issues, justice of the peace program and special projects.
2. **Legal Officer:** (Gene Jamieson) - provides legal advice to the Chief Judge and accesses legal resources for judges, judicial justices of the peace, justices of the peace and staff in the Office of the Chief Judge.
3. **Administrative Judicial Case Manager:** (Grant Marchand) - provides the Chief Judge with reports on the state of the lists throughout the province, assists the case management program in achieving consistency of practice throughout the province, and provides an assessment of judicial resource needs.
4. **Systems Business Manager:** (Steve Rhodes) – plans, develops, evaluates and implements information systems to meet the operational needs of the provincial judiciary.
5. **Manager, Finance and Administration:** (Gord Lemire*/replaced by Dan DeBou effective May 31, 2004) - provides administrative, financial and human resources services; assists the Director of Judicial Administration; monitors the budget; oversees acquisition of furniture and equipment.
* Gord Lemire returned to Court Services Branch.
6. **JP Administrator:** (Joanne Arntsen*/replaced by Kevin Purdy effective October 1, 2004) - assists the Chief Judge and Director of Judicial Administration in the administration of the justice of the peace program; the unassigned and ad hoc judge programs; prepares and manages judicial justice of the peace rota; manages reception/secretarial resources; processes requests for library purchases.
* Joanne Arntsen was appointed JJP at the Justice Centre on May 10, 2004.
7. **Executive Assistant to the Chief Judge:** (Maria Hla-Tin) - provides executive secretarial and administrative support to the Chief Judge.
8. **Executive Assistant to the Associate Chief Judges:** (Aida Estrella) - provides executive secretarial and administrative support to the Associate Chief Judges and Judicial Council of British Columbia.
9. **Administrative Services Coordinator:** (Viviana Ascui) – provides payroll and human resource management services, judicial time bank updating and monitoring and assists the Manager, Finance & Administration.

10. **Systems Support Coordinators:** (Mona Salameh & Justin Bailey effective October 4, 2004)
– provide systems support to the judiciary and assists the Systems Business Manager.
11. **Administrative Assistant to Director of Judicial Administration:** (Serena Innes) responsible for the judiciary intranet site, judiciary conferences and provides administrative support to the Director of Judicial Administration.
12. **Administrative Assistant to Legal Officer:** (Evelyn Suzuki) - provides secretarial support to the legal officer.
13. **Acting JP Clerk:** (Myrna Himantog*/replaced by Joyce Fernandes effective December 8, 2004) - provides secretarial/clerical support to the JP administrator; assists the JP administrator in the administration of the justice of the peace program.
*Myrna Himantog left on a secondment to Public Trustee on October 4, 2004.
14. **Travel Clerk:** (Crystal Hunter) - processes travel vouchers; prepares and distributes financial reports and information.
15. **Accounts Clerk:** (Judy Darnel) - processes invoices and Visa payments; prepares and monitors contracts; assists with leave recording.
16. **Purchase Clerk:** (Aida Ballesteros) - purchases equipment and supplies for the judiciary; processes travel vouchers.
17. **Acting Receptionist:** (Joyce Fernandes*/replaced by Kathleen Bradley effective December 8, 2004) - provides receptionist duties and secretarial support for the Office of the Chief Judge.
*Joyce Fernandes moved to the position of Acting JP Clerk on December 8, 2004

PUBLIC OUTREACH

Provincial Court judges participate actively in public outreach programs such as speaking to students, at educational conferences and at public forums; teaching; and engaging in community activities, such as local Law Days presented by the Canadian Bar Association.

The Court has had an active Public Information Committee since the spring of 2004. During the current year, the Committee created and organized a province-wide public outreach program, expanding the court's media relations policy, creating of a database of speaking materials for judges, launching an "Ask the Chief Judge" feature on the Court's website, and planning a series of community public forums on justice to be held around the province, commencing in April 2005.

The Committee's "Ask the Chief Judge" site responds to inquiries about the Provincial Court and BC Justice System, and may be found at <http://www.provincialcourt.bc.ca>.

The members of the Public Information Committee during the year were:

1. The Honourable Chief Judge C. Baird Ellan, Chair
2. The Honourable Associate Chief Judge E.M. Burdett
3. The Honourable Administrative Judge E.F. de Walle
4. The Honourable Administrative Judge P. de Couto
5. The Honourable Administrative Judge M.E. Rae
6. The Honourable Judge E. Blake
7. The Honourable Judge J. Challenger
8. The Honourable Judge T. Gove
9. The Honourable Judge R. Higinbotham
10. The Honourable Judge J. Jardine
11. The Honourable Judge W. Klinger
12. The Honourable Judge J. Milne
13. The Honourable Judge D. Moon
14. The Honourable Judge D. Overend
15. The Honourable Judge A. Routhwaite
16. The Honourable Judge M. Takahashi
17. G. Jamieson, Legal Officer

The Legal Officer to the Chief Judge, Gene Jamieson, has primary responsibility for responding to media inquiries and issuing media releases on matters of interest to the public. He may be contacted through the Office of the Chief Judge.

Persons interested in inviting judges to speak or participate in public outreach activities are invited to do so through the Office of the Chief Judge.

A chart showing some of the judges' public outreach activities is contained in Appendix "A".

STRATEGIC PLANNING

The Court completed and published a three-year Strategic Plan in February of 2003 following a year long court wide planning process. The Plan is posted on the Court's website².

In 2003 the Chief Judge and Executive Committee performed a First Year Review of the Plan, provided to members of the judiciary and also posted on the website. This year's review is set out in Appendix "B". It shows that most of the goals identified in the Plan have been achieved or addressed, and identifies those that remain for consideration or have been subsumed in other initiatives or projects.

With the appointment of a new Chief Judge effective July 1, 2005 it is anticipated that there may be a review of the plan or a further planning process to identify new goals for the coming years.

² <http://provincialcourt.bc.ca/newsandreferences/reports.html>

TECHNOLOGY COMMITTEES

The Chief Judge's Technology Committee consists of the following members:

- The Honourable Judge B.K. Davis (co-chair)
- The Honourable Judge G. Cohen
- The Honourable Judge G. Gill
- The Honourable Judge H. Seidemann, III
- M. Smith, Director of Judicial Administration (co-chair)
- S. Rhodes, Systems Business Manager

The Committee reviews Electronic Access Policy Issues affecting the Court, updates the Information Technology Plan for the Court to ensure that systems meet the ongoing operational needs of the provincial judiciary, and develops related policies and procedures. It advises the Chief Judge and liaises with the Court Services Branch on all topics related to technology.

In addition, representatives of the Provincial Court participated on a Joint Court E-filing Rules Committee with representatives of the British Columbia Supreme Court and Court of Appeal. The mandate of the Committee has been to prepare draft court rules, which each court can work from to create rules related to the electronic filing of documents in court proceedings. The work of this committee resulted in each court establishing an Electronic Filing Pilot Project Rule, each effective July 1, 2005. The resulting amendment to the Small Claims Rules, BC Reg. 261/93, was enacted as BC Reg. 133/2005 on March 18, 2005, and those amendments expire on July 2, 2007.

The representatives of the Provincial Court on the Joint Court E-filing Rules Committee are:

- The Honourable Judge G. Cohen
- The Honourable Judge G. Gill
- Gene Jamieson, Legal Officer

WEBSITE AND JUDGMENT DATABASE

The Court's website³ provides the public with a broad range of information and announcements about the Court, and the Judicial Council of BC, the judiciary and the types of cases dealt with by the Court. The website also hosts the Court's judgment database, containing most written decisions and many oral decisions of the Court in the past four years. As of March 31, 2005 there were 2,665 judgments on the database.

A new feature of the judgment database is the ability to obtain a listing of decisions posted in the past seven days. This allows readers to be kept up to date on the Court's most recent decisions. The Provincial Court website, and a direct link to the most recent decisions of the court posted in the immediately preceding seven days, is also now accessible from the general website for all Courts in British Columbia⁴.

The Provincial Court website now also includes a "What's New" section where current announcements regarding the Court can be found. In addition, a new feature, entitled "Ask the Chief Judge" has been established, which allows individuals to email the Chief Judge, asking questions related to the Court and the British Columbia justice system. A number of the Chief Judge's questions and answers have been posted to the site as a matter of public information. The Chief Judge is assisted by the Court's Public Information Committee in providing responses to the significant number of emails received.

During the year the Court added an Intranet site for the use of all members of judiciary, created and managed by Serena Innes, Assistant to the Director of Judicial Administration. The site provides useful information and links to services as well as resource materials and internal discussion groups. It has already proven to be an invaluable resource for all members of the judiciary.

³ <http://www.provincialcourt.bc.ca/>

⁴ <http://www.courts.gov.bc.ca>

Appendix "A"
Public Outreach Activities
2004–2005

Judge E. A. Arnold—McEachern Advocacy Course; Justice Review Task Force Mega -Trials Committee.

Judge C.L. Bagnall—Planning Committee for August CBA Conference. Law Courts Education Committee Judicial Community Liaison Planner. Judge for Peter Burns Moot held at UBC.

Chief Judge C. C. Baird Ellan—Canadian Bar Association, BC Branch, Law Week Open House at the Vancouver Law Courts; Topic: Diversity: Celebrating Your Right to be Unique. Canadian Bar Association, Young Lawyers of BC, "Views from the Bench: Words of Wisdom and Advice for Young Lawyers". Vancouver Bar Association, Annual Judges' Luncheon. Mental Health Law Forum, Vancouver Public Library. Downtown Vancouver Business Improvement Association Breakfast Meeting: "Street Crime". Street Crime Working Group Public Forum. UBC First Year Law Students Orientation Session. Law Courts Education Society, 15th Anniversary Reception. Windsor Secondary Law 11: "Judicial Independence". Handsworth Secondary Law 12: "Judicial Independence".

Judge K.W. Ball—UBC Trial Advocacy Course. American Bar Association Negotiation Competition held at UBC. CBC radio broadcast - "A Day in the Life" program. Presenter - Chief Scout and Queen's Venturer Awards at Annual Youth Awards Ceremony. Spoke at and conducted the swearing-in ceremony for newly appointed police officers in Delta. Edited 2004 up-date of cases for the Continuing Legal Education "Small Claims Act and Rules Annotated".

Judge K.W. Ball/Judge J.W. Jardine—Served on Curriculum Advisory Board to the Kwantlen College Criminology Program.

Judge E.C. Blake—Judge at mock trial competition for high school students. In conjunction with the Quesnel School District and the Courthouse Legal Education Society, involved in setting up an interactive program to educate students about the court system.

Judge J.K. Bracken—Guest instructor for a course in Criminal Procedure to the law class at Akitsiraq, Nunavut.

Judge C.C. Bruce—Judge for Peter Burns Moot, UBC.

Judge M.R. Buller Bennett—Chair, panel: "Impacts of Resource Development on Indigenous Peoples"; Speaker in "Indigenous Legal Traditions Symposium".

Judge J.C. Challenger—Guest speaker at Native Courtworker & Counselling Association of BC.

Judge J.G. Cohen—Vice President of the International Association of Lesbian & Gay Judges - Attended AGM and gave a course on dealing with the mentally challenged litigant. Member, editorial board of CLE BC Family Practice Manual. Met with secondary school students during lunch hour for the Law Courts Education group. Abbotsford Restorative Justice & Advocacy Association - Public Awareness Outreach & AGM - attended on behalf of the Chief Judge.

<p>Judge T.J. Crabtree—Spoke at 4th year Political Science seminar at UBC on restorative justice. Assisted with Chilliwack Middle School Mock trial, Chilliwack Law Courts. Presented Chief Scout Awards for the Fraser Valley. Judge for Peter Burns Moots. Spoke at Chilliwack Fraser Rotary Club.</p>
<p>Judge B.K. Davis/Judge R.M. Gallagher/Judge M.E. Rae/Judge D. Senniw/Judge J.F. Werier—Law Clerks training program – had students sit in on court proceedings followed by discussion group regarding the experience.</p>
<p>Judge B.K. Davis/Judge P.R. Meyers—Met with a City of Vancouver Committee (co-funded by the federal and provincial governments) examining the functioning of youth court in Vancouver since enactment of the <i>Youth Criminal Justice Act</i>.</p>
<p>Judge E.F. de Walle—Spoke to Law 12 Classes and at Caledonia High School and spoke to Law Class at local Northwest Community College.</p>
<p>Judge H.K. Dhillon—Robert H. Guile, QC Memorial Debate 2004-05 Faculty of Law, UBC.</p>
<p>Judge R.M. Gallagher—Nunavut training - Workshop with elders and family support workers. Akitsiraq reception at University of Victoria Law School.</p>
<p>Judge J. Gedye—Guest speaker, Vancouver Family Youth Justice Committee.</p>
<p>Judge G.S. Gill—Moscrop Senior Secondary High School to address their law 12 class. Law Courts Education Society - lunchtime courtroom talks with high school students</p>
<p>Judge J.E. Godfrey—Drug Treatment Court, director, general public relations.</p>
<p>Judge T.J. Gove—National Experts' Advisory Committee to the Centre of Excellence for Children. Public Information Committee & Chair of Provincial Forums Subcommittee. Lawyer Show 2004: Inherit the Wind – member of the jury. Speaker on implementation of Youth Criminal Justice Act at Provincial Meeting – Youth Custody Services: Building Communities, Setting Directions. Safe Streets Panel for Greater Vancouver Leadership. Summit – Vancouver Board of Trade. Met with a delegation from the Philippines and was able to involve them in family mediations.</p>
<p>Judge T.J. Gove/Judge S. Point—Attended the Guerin 20th Anniversary Celebration – First Nations House of Learning, UBC.</p>
<p>Judge C.J.M. Harvey—Moderator St. Michael's University School, presenter, National Family Law Program, Quebec. Discussions with Law Centre students in Victoria.</p>
<p>Judge R.A. Higinbotham—Spoke to students at University of Victoria Law School on the need to do pro bono work and professional responsibility.</p>
<p>Judge B.G. Hoy—Discussions with Sto Lo Nation on restorative justice. Participated in the making of a video for probation services on restorative justice. Participated with Law Courts Education Society and their variety of Public Legal Education at the Chilliwack Court House.</p>
<p>Judge J.W. Jardine—Two advocacy teaching sessions with UBC Law Students Criminal Law Club. Lecture at Kwantlen University to a Criminal Procedure Criminology course on Criminal Procedure and Judicial Interim Release. Speech at Simon Fraser University Scholarship Athlete Induction Ceremony. Speech at the Lorne Davies Charter Alumnae Football Dinner 40th Reunion. Member of Player Development Committee at BC Soccer. Member, speaking to various student groups at the courthouse. Speaking at local schools in Delta throughout the year.</p>

Judge W.J. Kitchen—Member, Street Crime Working Group. Member, speaker at Administrative Tribunals Seminar.

Judge R.R. Low—Member, Judicial Council of BC, President BC Provincial Court Judges' Association.

Judge J.R. Lytwyn—Webcast presentation to Canadian Council of Administrative Tribunals Distance Learning and Web-based Learning to Promote Training and Competency. Guest instructor in the CLE Advocacy course. Planning Committee and faculty member for Newly Appointed Provincial and Territorial Judges Skills Training Program, Ontario Court of Justice, NJI and CAPCJ. Presentation at National Judicial Institute Family Law Program, Judicial Interviewing of the Child.

Judge J.R. Lytwyn/A.E. Judge Rounthwaite/Judge J.O. Wingham—Assisted at Canadian National Division Qualifying Tournament of Phillip C. Jessup International Law Moot Court Competition.

Judge H.J. McGivern—Director, UBC Criminal Clinic.

JJP Linda Mayner, JJP Colleen Proctor and JJP Ken Yamamoto —Participated in the University of British Columbia Faculty of Law Traffic Court Moot Court.

Judge P.R. Meyers—Hosted visiting Judges from Asia, allowing them to sit through trials and settlement conferences. Allowed Alternative School students and 'Youth at Risk' to watch court proceedings, followed by courtroom group discussions. Law Courts Education Society Community Outreach Program – Persian Community dinner and discussion.

Judge P.R. Meyers/Judge Yee—Assistant Editors for the 2004/2005 update of the Continuing Legal Education "Small Claims Court Manual".

Judge R.D. Miller—Travelled to Ukraine as part of Canada's delegation to provide independent monitoring and verification of election.

Judge D.E. Moon—Rotary Club – Installation of Officers. Prepared and gave four 2 hour sessions on Justice System at Capilano College – Sechelt Campus, Eldercollege.

Judge Nimsick—Spoke at a Rotary Club Conference on the topic of "The Justice System and All That".

Judge A.J. Palmer—Trainer for Peter Burns Moot Competition, UBC. A Judge and a Crown at National Victim Assistance Conference. PLTC Instructor.

Judge A.E. Rounthwaite—Officiated and spoke at police swearing in ceremony. Mentor for Grade 7 student doing a project on youth court. Guest Instructor, CLE Winning Advocacy Skills Workshop. Attended Journée de droit.

Judge J. Rounthwaite—Presided at Abbotsford Police Officers swearing in ceremony.

Judge J.E. Saunders—Youth Services Team, Nanaimo Meeting – Re: Upcoming Restorative Justice Conference in Vancouver. Restorative Justice & Sentencing, Port Alberni Public Meeting. Topic: A Comparison of Restorative Justice & Retributive Justice Principles. Judicial Justice Conference, Victoria, Bail and the YCJA.

Judge B. Sauderson—TV interview on CTV re: Native Court workers.

Associate Chief Judge A.J. Spence—Facilitator Newly Appointed Provincial Judges Skills Seminar Topic: Ethical Challenges in the Courtroom.

Judge M.G. Takahashi—Assisted, NJI Education Conference.

Judge A.R. Tweedale—UBC's Faculty of Law – luncheon in honour of visiting Justice Kazuko Yokoo, Japanese Supreme Court.

Judge R.E. Walker—Spoke at Fall Training Forum - BC Association of Specialized Victim Assistance and Counselling Programs. Participated in documentary DVD called Full Circle, Law Courts Education Society of BC Northern Region and Affinity Media.

Judge C.E. Warren—Main Street Food Bank Coordinator.

Judge D.M. Waurynchuk—Awarded Meritorious Service Medal by for involvement in the creation of the Youth Assistance Program in Sparwood, BC.

Judge H. Weitzel—Trainer, Peter Burns Moot Competition, UBC. Representative for the Provincial Courts at The Law Society of BC – Bench & Bar Dinner 2004.

Judge W.F.W. Yee—Promoted law week to the media in an interview on Channel “M” television.

Appendix “B”
Provincial Court of British Columbia
Three-Year Strategic Plan
2003 – 2005
Second Year Review
March 2005

Original Plan Recommendations are shown in bold, with note underneath in bullet form as to current status.

1. Access to Justice

- **The Chief Judge will convey to the Ministry of Attorney General the Report of the Judiciary Planning Committee in respect of access to facilities;**
 - ✓ Achieved – February 25, 2003

- **The Chief Judge will request revival or formation of a Facilities Standards Committee or other vehicle to address issues in respect of facilities, and will endeavour to ensure that the recommendations of the Committee are included in written standards;**
 - ✓ Circuit facilities covered by Protocol with AG
 - ✓ Consultation process with Deputy Attorney General and Assistant Deputy Minister, Court Services Branch, formalized in February 2005
 - ✓ Ministry consults on facilities projects with Executive Committee and Director of Judicial Administration at Protocol Meetings and with Management Committee, before budget submissions

- **Responsibility for local facilities issues will be assigned to the Administrative Judges, with support from the Director of Judicial Administration; the Chief Judge will assume responsibility for priority issues or issues of general concern to the Court;**

- ✓ Public legal information has been prioritized by Justice Review Task Force (JRTF)
- ✓ Court has representative(s) on E-filing Committee
- ✓ Ministry has prioritized these items: Fax Filing – implemented 2003
E-Search – by Sept 2004
E-Filing – by Sept 2005
- ✓ Civil Procedures Committee and Family Reform Working Group have made specific recommendations to the Ministry of Attorney General regarding enhanced forms and filing processes for civil and family cases in Provincial Court

- **The Chief Judge will consider asking judges and judicial justices to record specific problems or delays arising from lack of assistance or advice to litigants, for a specified period of time, and to report them to the Administrative Judges or Judicial Justices;**
 - ✓ Incorporated into Court Performance Measures System (see below)

- **The Chief Judge will consider whether to provide such information to government on an ongoing basis and/or (if warranted) publish it in the form of a report on Access to Justice in Provincial Court;**
 - ✓ Will be achieved through Court Performance Measures System

- **The Legal Officer will assume responsibility for supervising and revising the Court's website and judgment database; reviewing and revising the judgment database protocol and high-profile decision media policy; developing media strategies; providing first-line responses to media inquiries; and assisting the Chief Judge in media relations.**
 - ✓ Legal Officer provides first-line response, supervises and oversees website
 - ✓ Judgment Database Protocol revised February 2004
 - ✓ Public Information Committee struck in May 2004 has developed media strategy, organized public forums on justice, launched "Ask the Chief Judge" site, assembled a library of speaking materials, and revised the TV and recording devices policies of the Court, within the 2004 – 2005 fiscal year (see 2004 – 2005 Court Annual Report for members and more detailed list of activities)

2. Quality of Justice

- **The Chief Judge and the Judicial Council will review the recruitment and appointment process for judicial justices of the peace and devise criteria and a process specific to the requirements of that office;**

- ✓ Revised process and criteria adopted by Judicial Council May 2003 (on website)
- ✓ Judicial Council subcommittee struck to review and report on all applications October 2003
- ✓ Committee now prepares reports to the Council on all JJP applicants
- **The Chief Judge will authorize a wholesale review of all library resources currently used by the Court, with a view to making recommendations to modernize and maximize resources, to be completed as soon as possible;**
 - ✓ Review conducted, results received, and a final decision made in the 2004 – 2005 fiscal year as to cancellations of subscriptions, and replacement with texts and electronic resources - all non-required or obsolete texts, books and legal materials discontinued and substituted with new and required materials
 - ✓ Judges provided with enhanced training in the use of electronic resources and further access to electronic bench books through the National Judicial Institute in the 2004 – 2005 fiscal year
- **The Chief Judge will ask the Judicial Council to endorse an increase of non-sitting education days for judges to 10 per year;**
 - ✓ Judicial Council passed resolution November 2003
 - ✓ Effective July 1, 2004, judges entitled to 5 days per year of education leave in addition to semi-annual conferences, to attend work-related conferences
- **The Judges' and Judicial Justices' Associations will be asked to consult with judges and judicial justices regarding the development of a program for independent assessment and evaluation of judicial skills, and make a recommendation to the Chief Judge in respect of such a program and any required resources, including retaining an outside consultant;**
 - ✓ Meyers-Briggs programs continued through fall 2003
 - ✓ No further action taken on the topic of qualitative assessment of justice delivery – perhaps should be reviewed in future planning processes, if any
 - ✓ During 2004 – 2005 fiscal year evaluation has been considered and a pilot developed, in relation to access to justice, within the Court Performance Measurement Standards System, through user exit survey – further consideration and consultation with Associations required after pilot complete
- **The Chief Judge will consult with Judicial Council and the Judges' and Judicial Justices' Education Committees regarding their respective roles in improving the quality of judicial services, and if necessary develop a protocol or memorandum of understanding;**

- ✓ Ongoing consultation regarding skills programs such as computer training
- ✓ During 2004 – 2005, a protocol was developed and finalized for support services and financial support from Office of the Chief Judge (OCJ) to the Education Committees, for judges and judicial justices of the peace education programs
- ✓ Further consideration may be required to define respective roles of Chief Judge, Judicial Council, and Education Committees in relation to education topics
- ✓ See below re: Fall 2005 Judges' conference to be presented through joint OCJ/Education Committee effort

- **The Chief Judge will continue assisting with implementation and assessment of the mentor and self-evaluation programs as recommended by the Associations;**
 - ✓ Mentor program continues with all new appointments
 - ✓ Individual JJPs are being mentored by Provincial Court Judges in the conduct of judicial intern release hearings
 - ✓ NJI Skills Training New Judges Program has self-evaluation component, and is offered to new and existing judges as space allows

- **The Chief Judge and Judicial Council will request feedback and recommendations regarding new judges' orientation, and take steps with the Administrative Judges and Administrative Judicial Justices to develop a standard program and implement suggested improvements;**
 - ✓ Feedback on orientation and materials received from judges appointed in 2003, 2004 & 2005
 - ✓ Informal assessment and review conducted with new judges and Management Committee members during 2004 – 2005 fiscal year resulted in continuation of current orientation program for new judges, with further opportunities provided by Office of the Chief Judge for new and experienced judges to attend National Judicial Institute and other judicial education programs
 - ✓ Training and cross-training programs for judicial justices of the peace were expanded and formalized through the Office of the Chief Judge, overseen by the Legal Officer and the Administrative Judicial Justices of the Peace, in the 2004 – 2005 fiscal year

- **The Chief Judge will establish a program to accommodate judges or judicial justices who specialize and who wish to gain experience in other subject areas.**
 - ✓ Informal mentoring and court watching has been made available on request
 - ✓ During the 2004 – 2005 fiscal year some specialist judges participated in court watching and attended educational programs with the assistance of the Administrative Judge and the Chief Judge
 - ✓ These opportunities should remain available on request for specialist and new judges

3. Jurisdiction and Divisions

a. Division of Labour

- **The Chief Judge will consider whether to retain an independent consultant to review and consider the logical assignment of duties within the Court, including any outstanding transitional issues relating to bail and search warrant duties and any pending or potential changes to the jurisdiction of the Court, to consult with members of the Court, and to provide recommendations on a rationale for assignment of duties;**
 - ✓ Counsel was retained in 2002 to assist in some transitional issues - few such issues remain
 - ✓ Changes to legislative jurisdiction and administrative changes to assignment of judicial justices of the peace during 2004 – 2005 fiscal year required to accommodate cases to a large extent dictated the division of duties, such that any independent consideration of the division of duties as between judges and judicial justices of the peace became academic
 - ✓ This issue may remain to be considered in any future planning process of the Court or the Chief Judge

- **The Chief Judge will consider the consultant's recommendations, and effect any desirable and necessary changes in assignments of duties, following appropriate consultation with judges and judicial justices;**
 - ✓ See above

- **The Chief Judge, in consultation with the judges' and judicial justices' Education Committees, will take steps to implement appropriate training in respect of new duties assigned to judges and judicial justices.**
 - ✓ YCJA training conducted in 2003, electronic bench book provided by NJI
 - ✓ Legal Officer continues to assist with JJP training in legislated jurisdiction changes and to oversee training and cross training, with Administrative Judicial Justices of the Peace
 - ✓ Office of the Chief Judge with the Judges' Education Committee will present the Fall 2005 Judges' education conference to provide training and education for increased civil monetary jurisdiction (see below)

b. Specialization

- **The Chief Judge will establish a program to accommodate judges or judicial justices who specialize and who wish to gain experience in other subject areas.**

- ✓ See above – programs now exist for court watching, education programs for judges on request, crossover and introductory training for JJPs
- **The judges' Education Committee, in consultation with the Chief Judge, will be asked to promote and provide any necessary support for the production of a Family Court Procedure Manual, similar to those available for criminal and small claims procedure, for use as a tool by new judges and by judges who do not regularly sit in Family Court.**
 - ✓ Judges received a presentation at the Fall 2002 Judges' Education Seminar on basic family law principles. The comprehensive paper delivered at that time by the Honourable Judge Catherine Warren, is now provided to new judges as part of their package of appointment materials.
 - ✓ In 2004 – 2005 fiscal year, judges were provided with CLE Annotated Guidelines and Family Practice in connection with the library review.

c. Court Restructuring

- **If the proposal for a Unified Family Court moves ahead, the Chief Judge will call upon the Unified Family Court Advisory Committee to consider the proposal, make recommendations to the Chief Judge regarding implementation, and assist to develop criteria for a model that would best serve the needs of the public, guided by the stated interests and goals of the Court and its written response to the Task Force paper;**
 - ✓ Throughout 2004 – 2005 fiscal year, ACJ Threlfall has represented the Court on the JRTF's Family Justice Reform Working Group
 - ✓ The Working Group is expected to make recommendations for substantial reform in May or June 2005, directed at interests and goals similar to those identified by the Court in its 2002 response to the paper on Unified Family Court (posted on Court website)
- **The Chief Judge, the Provincial Court Criminal Procedures Committee, and the Legal Officer will monitor changes in criminal law as they affect jurisdiction and process of the Court, and will continue to make recommendations for change and formulate appropriate responses to proposed legislative or jurisdictional changes, including any judicial training requirements that arise;**
 - ✓ Committee considered Rules review in 2002 - 2003
 - ✓ Chief Judge has continued to issue Practice Directions in response to procedural issues that arise or need clarification
 - ✓ Chief Judge, Associate Chief Judge – Policy & Procedure, and Legal Officer continue to advise judges and judicial justices of the peace of Criminal Code amendments and their effects on process

- ✓ Suggested Code amendments and need for judicial education, where desirable, are raised with the Deputy Attorney General at Protocol Meetings, and are also raised with the Deputy or Assistant Deputy, Justice Canada, through the Canadian Council of Chief Judges
- **The judges and judicial justices will undergo training in relation to the provisions of the new Youth Criminal Justice Act, with the support of the Chief Judge, through the assistance of the judges trained as presenters;**
 - ✓ Achieved (2003 – 2004)
- **The Chief Judge will strike a Provincial Court Civil Procedures Committee, to consider revisions to small claims procedure, to design a streamlined process for less contentious or complicated cases with a view to preparing for increased jurisdiction, and to consider such other matters as assigned to it from time to time by the Chief Judge;**
 - ✓ This Committee was struck in late 2002 pursuant to the Strategic Plan, and has made ongoing recommendations to the Chief Judge and JRTF
 - ✓ These recommendations were instrumental in the Court's monetary civil jurisdiction being raised in March 2005 from \$10,000 to \$25,000 effective September 1, 2005
 - ✓ The Committee and the Chief Judge expect to continue working toward developing refined civil processes in order to effectively handle the increased jurisdiction and provide enhanced and appropriate access to the Court for civil claims at all levels
- **The Chief Judge will endorse and continue the Court's demonstrated initiative in exploring, developing recommendations for, or taking steps to implement new methods for the delivery of justice, including community or special-purpose courts, like those in other provinces or jurisdictions, through assignments to members of the Criminal Procedures Committee, the Unified Family Court Advisory Committee, the Civil Procedures Committee, or others as appropriate;**
 - ✓ These topics have been fully incorporated into working groups struck by the Justice Review Task Force (JRTF) with endorsement of Chief Judge
 - ✓ Street Crime Working Group struck by the JRTF in Spring 2004 met throughout fiscal 2004 – 2005, with Court represented by Chief Judge, Judges W. J. Kitchen and H.C. Stansfield, fully considered community court model for low-end repeat offenders, with consultant from New York's Red Hook Community Court and is expected to report in June 2005
 - ✓ See above re Family Justice Reform Group struck by JRTF in 2004

- **The Chief Judge will continue to support the efforts of the Canadian Council of Chief Judges and other provinces to advance the concept of a single trial court, and, as the concept gains ground, will strike a committee to make recommendations regarding: an appropriate Court response, any required procedural and structural changes, and any training and implementation issues.**
 - ✓ Chief Judge attended CCCJ presentation of concept to Minister of Justice in spring 2003, further meetings with Ministers during 2004 - 2005
 - ✓ Concept of single trial court remains an active topic at the Canadian Council of Chief Judges, and is an ongoing topic of discussion with BC Ministry officials
 - ✓ The topic must be further explored and advanced, or revisited in any future planning process

4. Judicial Resource Allocation

- **The Chief Judge will continue to pursue development of standards for accurate measurement of judicial resources and appropriate allocation of judges and judicial justices to address caseloads and prevent backlogs;**
 - ✓ OCJ Judicial Resource Assessment process was refined through 2004 – 2005 and is now used exclusively for assessing and projecting resource needs within the Court, identifying vacancies and requesting appointments
 - ✓ The process was presented to Deputy Attorney General in fall 2003 and has been relied on since in justifying requests for vacancies to be filled
 - ✓ Court Performance Measurement System continues to be developed with Ministry officials, and may incorporate or rely upon some aspects of this model
 - ✓ Model presented to Canadian Council of Chief Judges at March 2005 conference
- **The Administrative Judges and Administrative Judicial Justices will develop and refine policies in relation to case management, scheduling, backlog prevention, and assignment of judges and JJPs, in consultation with the Chief Judge, Director of Judicial Administration and Administrative Judicial Case Manager, as required;**
 - ✓ During 2004 – 2005 under the direction of the Associate Chief Judge – Operations and the Chief Judge, the Management Committee, the Director of Judicial Administration, the Administrative Judicial Case Manager, and OCJ systems staff focused on these areas, resulting in a refined ROTA reporting system for use by Administrative Judges, written sitting standards contained in a new Judicial Administration Policy and Procedure Manual (accessible to judiciary through new Court intranet), enhanced unassigned judges program to supplement and replace ad hoc judges program for judicial coverage and reallocation of judicial resources, and several successful backlog reduction initiatives

- ✓ Administrative Judicial Case Manager and JP Administrator continued to develop a resource assessment model for judicial justices of the peace
- ✓ Main Street Backlog Initiative Committee struck in February 2004, chaired by the Chief Judge, achieved a reduction of backlog at 222 Main Street from 11 months to 7 months by December 2004, reported to the Attorney General in spring 2005.

➤ **The Criminal Procedures Committee will consider general case management issues that arise from Associate Chief Judge Spence's Report, and will make recommendations regarding any required province-wide or legislative changes to the Chief Judge;**

- ✓ Achieved in 2003 – 2004 – see above

➤ **The Administrative Judges and Administrative Judicial Justices will endeavour to develop a process to monitor district performance in terms of sitting days, non-sitting days, backlogs, judicial and non-judicial resources and expenditures, in consultation with the Chief Judge, Director of Judicial Administration and Administrative Judicial Case Manager, as required;**

- ✓ Achieved in 2004 – 2005 - see above

➤ **The Administrative Judges and Administrative Judicial Justices will oversee any adjustments to the computer rota program necessary to achieve goals in this area, in consultation with the Chief Judge, Director of Judicial Administration and Administrative Judicial Case Manager, as required. The Chief Judge and Administrative Judges will oversee implementation and if appropriate, institutionalization, of the standards developed for measurement of judicial resources and monitoring of district performance, and of any province-wide changes recommended by the Criminal Procedures Committee;**

- ✓ Achieved in 2004 – 2005 - see above

➤ **The Administrative Judges will oversee implementation of any policies developed in relation to district case management and scheduling.**

- ✓ Ongoing through 2004 - 2005

5. **Facilities/Technology/Security**

➤ **The Chief Judge will request revival or formation of a Facilities Standards Committee or other vehicle to address issues in respect of facilities, and will endeavour to ensure that the recommendations of the Committee are included in written standards;**

- ✓ See under Access to Justice above

- **The Chief Judge's Technology Committee will continue as a consultative/advisory body to the Chief Judge and Administrative Judges and Administrative Judicial Justices in relation to technology issues, providing expertise and advice when requested in relation to specific issues, providing recommendations for improvement in technology as it relates to judicial administration, and assisting to achieve the goals of the Court in relation to access;**
 - ✓ Ongoing – Committee continued through 2004 – 2005 to provide advice to the Chief Judge on electronic filing, electronic search and access policies and issues, video conferencing, revised 3-year systems plan for the Court, and the Canadian Judicial Council's report on Blueprint for the Security of Judicial Information

- **The responsibility for dealing with local security issues as they arise will be assigned to the Administrative Judges and Director of Judicial Administration, and priority issues or issues of general concern to the Court will be dealt with by the Chief Judge.**
 - ✓ In 2003 – 2004, local security committees were established by the Court Services Branch and most Administrative Judges participated in them
 - ✓ Management Committee continued through 2004 – 2005 to raise security issues and concerns, which were routinely taken to Protocol Committee for discussion with ADM and Deputy, and security continued to be an ongoing agenda item
 - ✓ Sheriffs and Court Services completed their review of service levels and reported to Protocol Committee
 - ✓ In 2004 – 2005, Sheriffs Services also created and refined a system for response to threats against members of the judiciary in conjunction with local police forces, and presented the model to the Management Committee
 - ✓ A number of security issues and ongoing communication problems prompted the Chief Judge to strike a Sheriff Review Committee in the fall of 2004, to review the role of Sheriff Services in relation to the judiciary, in light of current policies and history. The Sheriff Review Committee is expected to report to the Chief Judge on its findings by September of 2005

- **Specific security issues requiring expert analysis or recommendations will be assigned to an ad hoc committee with particular expertise and experience in matters relating to security, as the need arises**
 - ✓ See above re Sheriff Review Committee

6. Governance

d. External Governance

- **The Chief Judge and Associate Chief Judges will be designated as the Executive Committee of the Court;**
 - ✓ Done – effective February 2003

- **The Chief Judge and the Executive Committee will continue to pursue a role for the Chief Judge and Director of Judicial Administration in the preparation and submission of Court Services Branch budgets as they relate to Provincial Court services, staffing and facilities, through a Protocol or otherwise;**
 - ✓ Ongoing through 2003 – 2004
 - ✓ During 2004 – 2005 discussions were raised at Protocol Committee regarding defined role for Chief Judge and Director of Judicial Administration in 2005 – 2006 budget planning process
 - ✓ Expected that this will be a topic for discussion and agreement at the June 2005 Protocol Meeting

- **The Executive Committee and the Legal Officer will continue to pursue an increase in judiciary control over judiciary personnel and resources;**
 - ✓ Ongoing through 2003 – 2004
 - ✓ The issue of JCM reclassification has not been resolved
 - ✓ Topic of judiciary control over judicial personnel and resources is an ongoing agenda item at Protocol Meetings, and with Deputy Attorney General
 - ✓ Ministry and government may review classification process within next government's term, which may favourably affect Court and Ministries' ability to direct staffing decisions more effectively
 - ✓ Further action may be required, if necessary and appropriate

- **The Executive Committee will continue to meet with Ministry officials pursuant to the existing court administration protocol, maintain participation in the Justice Review Task Force, and explore the topic of administrative independence as appropriate in those forums;**
 - ✓ Ongoing, all maintained throughout 2004 - 2005
 - ✓ Chief Judge attended Seminar on Administrative Independence with Canadian Judicial Council March 2004, and Associate Chief Judge – External attended in March 2005
 - ✓ Chief Judge and Executive Committee have continued to provide input and information to Canadian Judicial Council's study on Models of Court Administration conducted through 2004 and 2005

- **The Executive Committee will continue to foster increased Court accountability and transparency by supervising production of Annual Reports of the Court; by authorizing responsible judiciary spending aimed at maintaining and enhancing high-quality judicial services; and by encouraging public consultation, media relations, an enhanced judgment database and website, and public appearances by members of the Court, with concomitant funding;**
 - ✓ Ongoing and achieved throughout 2004 – 2005 – see above re; Public Information Committee, enhanced education programs and funding, database and website

- **The Executive Committee will develop a plan for the continued pursuit of administrative independence and take steps to implement it;**
 - ✓ Meeting held with Deputy Attorney on administrative independence September 2003
 - ✓ Study of comparative models prepared by Chief Judge through Canadian Council of Chief Judges in 2003, used in Canadian Judicial Council study
 - ✓ Matter maintained on agenda with Justice Minister through Canadian Council of Chief Judges
 - ✓ Provincial discussions continue but await outcome of federal study
 - ✓ Enhanced communications at provincial level and continued responsible fiscal management by the Court assist in maintaining and enhancing judicial control over budget matters and resources
 - ✓ Chief Judge attend Seminar on Administrative Independence with Canadian Judicial Council March 25, 2004

- **The Chief Judge will recommend amendments to the *Provincial Court Act* enhancing the independence of the process for selection of the Chief Judge; setting the term of office for the Chief Judge; assigning to the Chief Judge authority for the selection of Associate Chief Judges and Administrative Judges; and such other amendments as may be required;**
 - ✓ Submission (request for legislation was made to Attorney General by Chief Judge in 2002 - 2003
 - ✓ Amendments were not advanced by Attorney General
 - ✓ Selection process initiated by Chief Judge in 2005 for replacement Chief
 - ✓ Attorney General struck Nominating Committee which vetted and recommended candidates
 - ✓ New Chief identified and appointed in March 2005, effective July 1, 2005, with 3-month transition period

- **The Executive Committee will continue to explore and promote the topic of increased administrative independence through the Canadian Council of Chief Judges;**
 - ✓ See above
- **The Executive Committee will consider whether to retain an outside consultant or agency to assist in conducting public consultation, and in developing the next strategic plan for the Court;**
 - ✓ Considered in spring 2004 and rejected
 - ✓ NCSC consultant was retained to develop Court Performance Measures System, which may contain component of public consultation
 - ✓ Task of public relations assumed by Public Information Committee – see above
 - ✓ Some public consultation achieved through “Ask the Chief Judge” site
- **The Chief Judge and the Executive and Management Committees will review the Court’s Strategic Plan and any input from the public consultation process, and develop a new Three-Year Strategic Plan.**
 - ✓ This may need to be considered in any future planning process

e. Internal Governance

- **The Administrative Judges will be designated the Management Committee, chaired by the Associate Chief Judge – Operations;**
 - ✓ Achieved March 2003 and continued through 2004 - 2005
- **The Chief Judge will take steps to restructure the assignment of duties to the Management Committee and the Associate Chief Judges as suggested in the Report of the Judiciary Planning Committee;**
 - ✓ Achieved April 2003 and continued through 2004 - 2005
- **The Executive and Management Committees will commence and develop a recruitment, training and assessment program for existing and future Administrative Judges, Administrative Judicial Justices, and Associate Chief Judges;**
 - ✓ Discussed at Judicial Administration Seminar November 2003
 - ✓ Process for recruitment refined - training through mentoring by former and current Administrative Judges, Management Committee continues to be a resource for new Administrative Judges
 - ✓ Judicial Administration Policy and Procedure Manual completed in October 2005 and provided to all Administrative Judges

- ✓ Management Committee agreed that new Administrative Judges should be identified through consultation with districts and that recruiting interested candidates in the absence of consultation may be unadvisable
- **The Management Committee will consider whether the current configuration of administrative districts needs revision;**
 - ✓ Considered at Judicial Administration Seminar November 2003
 - ✓ Revision of Vancouver/Richmond, Cariboo/Northeast districts achieved after consultation, in 2004 - 2005
- **The Executive Committee will consider whether to retain a business or systems analyst to review the management, information, and technology systems of the Office of the Chief Judge, and will implement any required changes.**
 - ✓ Operational Review completed December 2003
 - ✓ Recommendations from Review continue to be implemented
 - ✓ Longer term OCJ restructuring remains an item for Executive Committee and may need to be considered further in any planning sessions