

2012

SUPREME COURT OF BRITISH COLUMBIA

# [ANNUAL REPORT]

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# MEMBERS OF THE SUPREME COURT

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## CHIEF JUSTICE

### THE HONOURABLE CHIEF JUSTICE ROBERT J. BAUMAN

- Appointed to the Supreme Court June 20, 1996
- Appointed to the Court of Appeal February 20, 2008
- Appointed Chief Justice of the Supreme Court September 9, 2009

## ASSOCIATE CHIEF JUSTICE

### THE HONOURABLE ASSOCIATE CHIEF JUSTICE AUSTIN F. CULLEN

- Appointed to the Supreme Court March 21, 2001
- Appointed Associate Chief Justice of the Supreme Court December 31, 2011

## JUSTICES OF THE SUPREME COURT

### THE HONOURABLE MR. JUSTICE BRUCE I. COHEN <sup>►</sup> (*Vancouver*)

- Appointed to the Supreme Court March 25, 1987

### THE HONOURABLE MR. JUSTICE W. GLEN PARRETT <sup>►</sup>

- Appointed to the Supreme Court February 16, 1990

### THE HONOURABLE MR. JUSTICE RANDALL S. K. WONG <sup>►</sup> (*Vancouver*)

- Appointed to the Provincial Court February 20, 1974
- Appointed to the County Court September 4, 1981
- Appointed to the Supreme Court July 1, 1990

### THE HONOURABLE MR. JUSTICE RONALD A. MCKINNON <sup>►</sup> (*New Westminster*)

- Appointed to the County Court December 5, 1985
- Appointed to the Supreme Court July 1, 1990

### THE HONOURABLE MADAM JUSTICE MARY-ELLEN BOYD <sup>▼</sup> (*Vancouver*)

- Appointed to the County Court December 5, 1985
- Appointed to the Supreme Court July 1, 1990

**THE HONOURABLE MR. JUSTICE VICTOR R. CURTIS** ▼ (*Vancouver*)

- Appointed to the County Court March 11, 1986
- Appointed to the Supreme Court July 1, 1990

**THE HONOURABLE MR. JUSTICE THOMAS J. MELNICK** ► (*Cranbrook*)

- Appointed to the County Court October 23, 1987
- Appointed to the Supreme Court July 1, 1990

**THE HONOURABLE MADAM JUSTICE MARION J. ALLAN** ▼ (*Vancouver*)

- Appointed to the County Court September 8, 1988
- Appointed to the Supreme Court July 1, 1990

**THE HONOURABLE MR. JUSTICE IAN B. JOSEPHSON** ► (*New Westminster*)

- Appointed to the Provincial Court February 1, 1975
- Appointed to the County Court October 4, 1989
- Appointed to the Supreme Court July 1, 1990

**THE HONOURABLE MR. JUSTICE IAN C. MEIKLEM** ► (*Kamloops*)

- Appointed to the Supreme Court October 11, 1991

**THE HONOURABLE MADAM JUSTICE JACQUELINE L. DORGAN** ► (*Victoria*)

- Appointed to Supreme Court October 11, 1991

**THE HONOURABLE MR. JUSTICE RICHARD M. L. BLAIR** ► (*Kamloops*)

- Appointed to the Supreme Court June 24, 1992

**THE HONOURABLE MADAM JUSTICE M. MARVYN KOENIGSBERG** ► (*Smithers*)

- Appointed to the Supreme Court November 27, 1992

**THE HONOURABLE MADAM JUSTICE WENDY G. BAKER** (*Vancouver*)

- Appointed to the Supreme Court May 28, 1993

**THE HONOURABLE MR. JUSTICE JON S. SIGURDSON** ► (*Vancouver*)

- Appointed to the Supreme Court January 27, 1994

**THE HONOURABLE MR. JUSTICE L. PAUL WILLIAMSON** ▶ (*New Westminster*)

- Appointed to the Supreme Court January 27, 1994

**THE HONOURABLE MADAM JUSTICE MARY A. HUMPHRIES** ▶ (*Vancouver*)

- Appointed to the Supreme Court January 27, 1994

**THE HONOURABLE MADAM JUSTICE JANICE R. DILLON** ▶ (*Vancouver*)

- Appointed to the Supreme Court April 25, 1995

**THE HONOURABLE MR. JUSTICE SELWYN R. ROMILLY** ▶ (*Vancouver*)

- Appointed to the Provincial Court November 15, 1974
- Appointed to the Supreme Court November 15, 1995

**THE HONOURABLE MR. JUSTICE BARRY M. DAVIES** ▶ (*Vancouver*)

- Appointed to the Supreme Court January 10, 1996

**THE HONOURABLE MADAM JUSTICE DEBORAH KLOEGMAN** (*Vancouver*)

- Appointed to the Supreme Court February 13, 1996

**THE HONOURABLE MADAM JUSTICE SUNNI STROMBERG-STEIN** (*Vancouver*)

- Appointed to the Provincial Court December 4, 1989
- Appointed to the Supreme Court February 16, 1996

**THE HONOURABLE MR. JUSTICE FRANK W. COLE** ▶ (*Vancouver*)

- Appointed to Supreme Court March 19, 1996

**THE HONOURABLE MR. JUSTICE WILLIAM G. E. GRIST** (*Chilliwack*)

- Appointed Master of the Supreme Court January 1, 1990
- Appointed to the Supreme Court June 20, 1996

**THE HONOURABLE MR. JUSTICE T. MARK McEWAN** (*Vancouver/Nelson*)

- Appointed to the Supreme Court August 7, 1996

**THE HONOURABLE MADAM JUSTICE ALISON J. BEAMES** (*Kelowna*)

- Appointed to the Supreme Court August 7, 1996

**THE HONOURABLE MADAM JUSTICE LINDA A. LOO** ▶ (*Vancouver*)

- Appointed to the Supreme Court September 24, 1996

**THE HONOURABLE MR. JUSTICE GRANT D. BURNYEAT** ▶ (*Vancouver*)

- Appointed to the Supreme Court December 19, 1996

**THE HONOURABLE MR. JUSTICE MALCOLM D. MACAULAY** ▶ (*Victoria*)

- Appointed to the Supreme Court March 4, 1997

**THE HONOURABLE MADAM JUSTICE C. LYNN SMITH** (*Vancouver*)

- Appointed to the Supreme Court June 23, 1998

**THE HONOURABLE MR. JUSTICE DOUGLAS A. HALFYARD** ▶ (*Nanaimo*)

- Appointed to the Supreme Court June 30, 1999

**THE HONOURABLE MR. JUSTICE ROBERT E. POWERS** (*Kamloops*)

- Appointed District Registrar October 9, 1984
- Appointed Master of the Supreme Court November 20, 1989
- Appointed to the Supreme Court December 16, 1999

**THE HONOURABLE MR. JUSTICE ROBERT W. METZGER** ▶ (*Victoria*)

- Appointed to the Provincial Court April 21, 1980
- Appointed to the Supreme Court June 20, 2000

**THE HONOURABLE MADAM JUSTICE HEATHER J. HOLMES** (*Vancouver*)

- Appointed to the Supreme Court March 21, 2001

**THE HONOURABLE MADAM JUSTICE CAROL J. ROSS** (*Vancouver*)

- Appointed to the Supreme Court March 21, 2001

**THE HONOURABLE MR. JUSTICE HARRY A. SLADE** (*Vancouver*)

- Appointed to the Supreme Court March 27, 2001

**THE HONOURABLE MR. JUSTICE BRIAN M. JOYCE** (*Chilliwack*)

- Appointed Master of the Supreme Court December 1, 1989
- Appointed to the Supreme Court April 4, 2001

**THE HONOURABLE MADAM JUSTICE CATHERINE A. WEDGE** (*Vancouver*)

- Appointed to the Supreme Court April 4, 2001

**THE HONOURABLE MR. JUSTICE ROBERT CRAWFORD** (*New Westminster*)

- Appointed to the Supreme Court September 27, 2001

**THE HONOURABLE MR. JUSTICE RICHARD B. T. GOEPEL** (*Vancouver*)

- Appointed to the Supreme Court September 27, 2001

**THE HONOURABLE MADAM JUSTICE VICTORIA GRAY** (*Vancouver*)

- Appointed to the Supreme Court September 27, 2001

**THE HONOURABLE MR. JUSTICE GEOFFREY BARROW** (*Kelowna*)

- Appointed to the Supreme Court December 14, 2001

**THE HONOURABLE MR. JUSTICE PETER J. ROGERS** (*Kelowna*)

- Appointed to the Supreme Court December 14, 2001

**THE HONOURABLE MADAM JUSTICE BRENDA BROWN** (*Vancouver*)

- Appointed to the Supreme Court April 18, 2002

**THE HONOURABLE MR. JUSTICE JOHN D. TRUSCOTT** (*New Westminster*)

- Appointed to the Supreme Court October 10, 2002

**THE HONOURABLE MADAM JUSTICE LAURA B. GEROW** (*Vancouver*)

- Appointed to Supreme Court October 10, 2002

**THE HONOURABLE MR. JUSTICE JAMES W. WILLIAMS** (*New Westminster*)

- Appointed to the Supreme Court October 10, 2002

**THE HONOURABLE MR. JUSTICE DAVID M. MASUHARA** (*Vancouver*)

- Appointed to the Supreme Court October 11, 2002

**THE HONOURABLE MADAM JUSTICE SANDRA K. BALLANCE** (*Vancouver*)

- Appointed to the Supreme Court December 11, 2002

**THE HONOURABLE MR. JUSTICE STEPHEN F. KELLEHER** (*Vancouver*)

- Appointed to the Supreme Court July 24, 2003

**THE HONOURABLE MR. JUSTICE LANCE W. BERNARD** (*New Westminster*)

- Appointed to the Supreme Court July 24, 2003

**THE HONOURABLE MR. JUSTICE WILLIAM EHRCKE** (*Vancouver*)

- Appointed to the Supreme Court October 28, 2003

**THE HONOURABLE MR. JUSTICE ROBERT JOHNSTON** (*Victoria*)

- Appointed to the Supreme Court November 26, 2004

**THE HONOURABLE MR. JUSTICE ARNE H. SILVERMAN** (*Vancouver*)

- Appointed to the Supreme Court November 26, 2004

**THE HONOURABLE MADAM JUSTICE BARBARA FISHER** (*Vancouver*)

- Appointed to the Supreme Court November 26, 2004

**THE HONOURABLE MADAM JUSTICE ELIZABETH A. ARNOLD-BAILEY** (*New Westminster*)

- Appointed to the Provincial Court July 23, 1990
- Appointed to the Supreme Court April 14, 2005

**THE HONOURABLE MADAM JUSTICE J. MIRIAM GROPPER** (*Vancouver*)

- Appointed to the Supreme Court April 14, 2005

**THE HONOURABLE MADAM JUSTICE LORYL D. RUSSELL** (*Vancouver*)

- Appointed to the Supreme Court April 14, 2005

**THE HONOURABLE MR. JUSTICE NATHAN H. SMITH** (*Vancouver*)

- Appointed to the Supreme Court May 19, 2005

**THE HONOURABLE MR. JUSTICE JOEL R. GROVES** (*Vancouver*)

- Appointed Master of the Supreme Court May 4, 2000
- Appointed to the Supreme Court May 19, 2005

**THE HONOURABLE MR. JUSTICE PETER D. LEASK** (*Vancouver*)

- Appointed to the Supreme Court November 22, 2005

**THE HONOURABLE MR. JUSTICE ELLIOTT M. MYERS** (*Vancouver*)

- Appointed to the Supreme Court November 22, 2005

**THE HONOURABLE MADAM JUSTICE CATHERINE J. BRUCE** (*Vancouver*)

- Appointed to the Provincial Court May 29, 1998
- Appointed to the Supreme Court September 14, 2006

**THE HONOURABLE MR. JUSTICE WILLIAM B. SMART** (*Vancouver*)

- Appointed to the Supreme Court December 15, 2006

**THE HONOURABLE MADAM JUSTICE GAIL DICKSON** (*Vancouver*)

- Appointed to the Supreme Court December 15, 2006

**THE HONOURABLE MR. JUSTICE J. KEITH BRACKEN** (*Victoria*)

- Appointed to the Provincial Court February 14, 1991
- Appointed to the Supreme Court March 30, 2007

**THE HONOURABLE MR. JUSTICE G. BRUCE BUTLER** (*Vancouver*)

- Appointed to the Supreme Court March 30, 2007

**THE HONOURABLE MR. JUSTICE PAUL J. PEARLMAN** (*Vancouver*)

- Appointed to the Supreme Court January 31, 2008

**THE HONOURABLE MADAM JUSTICE LAURI ANN FENLON** (*Vancouver*)

- Appointed to the Supreme Court January 31, 2008

**THE HONOURABLE MR. JUSTICE GEOFFREY R.J. GAUL** (*Victoria*)

- Appointed to the Supreme Court January 31, 2008

**THE HONOURABLE MADAM JUSTICE SUSAN A. GRIFFIN** (*Vancouver*)

- Appointed to the Supreme Court February 20, 2008

**THE HONOURABLE MR. JUSTICE J. CHRISTOPHER GRAUER** (*Vancouver*)

- Appointed to the Supreme Court April 11, 2008

**THE HONOURABLE MR. JUSTICE JOHN E. D. SAVAGE** (*Vancouver*)

- Appointed to the Supreme Court May 5, 2008

**THE HONOURABLE MR. JUSTICE PAUL W. WALKER** (*Vancouver*)

- Appointed to the Supreme Court June 18, 2008

**THE HONOURABLE MADAM JUSTICE D. JANE DARDI** (*Vancouver*)

- Appointed to the Supreme Court June 18, 2008

**THE HONOURABLE MADAM JUSTICE KATE KER** (*New Westminster*)

- Appointed to the Supreme Court June 18, 2008

**THE HONOURABLE MR. JUSTICE NEILL BROWN** (*Chilliwack*)

- Appointed to the Supreme Court July 30, 2008

**THE HONOURABLE MADAM JUSTICE ELAINE J. ADAIR** (*Vancouver*)

- Appointed to the Supreme Court November 28, 2008

**THE HONOURABLE MR. JUSTICE ROBERT J. SEWELL** (*Vancouver*)

- Appointed to the Supreme Court January 22, 2009

**THE HONOURABLE MR. JUSTICE JOHN S. HARVEY** (*New Westminster*)

- Appointed to the Supreme Court January 22, 2009

**THE HONOURABLE MR. JUSTICE PETER G. VOITH** (*Vancouver*)

- Appointed to the Supreme Court January 22, 2009

**THE HONOURABLE MR. JUSTICE FRITS VERHOEVEN** (*New Westminster*)

- Appointed to the Supreme Court January 22, 2009

**THE HONOURABLE MADAM JUSTICE HOPE HYSLOP** (*Kamloops*)

- Appointed Master of the Supreme Court March 21, 2003
- Appointed to the Supreme Court May 15, 2009

**THE HONOURABLE MR. JUSTICE BRUCE M. GREYELL** (*Vancouver*)

- Appointed to the Supreme Court May 15, 2009

**THE HONOURABLE MR. JUSTICE TERENCE A. SCHULTES** (*Vancouver*)

- Appointed to the Supreme Court May 15, 2009

**THE HONOURABLE MR. JUSTICE ROBERT D. PUNNETT** (*Prince Rupert*)

- Appointed to the Supreme Court June 19, 2009

**THE HONOURABLE MR. JUSTICE PETER M. WILLCOCK** (*Vancouver*)

- Appointed to the Supreme Court June 19, 2009

**THE HONOURABLE MR. JUSTICE GREGORY T. W. BOWDEN** (*Vancouver*)

- Appointed to the Provincial Court May 14, 2004
- Appointed to the Supreme Court October 2, 2009

**THE HONOURABLE MR. JUSTICE BRIAN D. MACKENZIE** (*Victoria*)

- Appointed to the Provincial Court October 30, 1990
- Appointed to the Supreme Court October 23, 2009

**THE HONOURABLE MR. JUSTICE ANTHONY SAUNDERS** (*New Westminster*)

- Appointed to the Supreme Court November 27, 2009

**THE HONOURABLE MR. JUSTICE S. DEV DLEY** (*Kamloops*)

- Appointed to the Provincial Court June 23, 2008
- Appointed to the Supreme Court March 19, 2010

**THE HONOURABLE MADAM JUSTICE MIRIAM A. MAISONVILLE** (*Vancouver*)

- Appointed to the Supreme Court March 19, 2010

**THE HONOURABLE MR. JUSTICE DAVID C. HARRIS** <sup>▲</sup> (*Vancouver*)

- Appointed to the Supreme Court March 19, 2010

**THE HONOURABLE MADAM JUSTICE SHELLEY C. FITZPATRICK** (*Vancouver*)

- Appointed to the Supreme Court June 18, 2010

**THE HONOURABLE MADAM JUSTICE JENNIFER A. POWER** (*Victoria*)

- Appointed to the Supreme Court August 6, 2010

**THE HONOURABLE MR. JUSTICE TREVOR C. ARMSTRONG** (*New Westminster*)

- Appointed to the Supreme Court October 1, 2010

**THE HONOURABLE MADAM JUSTICE JEANNE E. WATCHUK** (*Vancouver*)

- Appointed to the Provincial Court October 3, 1994
- Appointed to the Supreme Court October 28, 2010

**THE HONOURABLE MR. JUSTICE MURRAY B. BLOK** (*New Westminster*)

- Appointed District Registrar March 25, 2002
- Appointed to the Supreme Court October 28, 2010

**THE HONOURABLE MR. JUSTICE D. ALLAN BETTON** (*Kelowna*)

- Appointed to the Provincial Court March 19, 2007
- Appointed to the Supreme Court June 24, 2011

**THE HONOURABLE MR. JUSTICE KENNETH AFFLECK** (*Vancouver*)

- Appointed to the Supreme Court June 24, 2011

**THE HONOURABLE MR. JUSTICE PATRICE ABRIOUX** (*Vancouver*)

- Appointed to the Supreme Court September 29, 2011

**THE HONOURABLE MR. JUSTICE RONALD S. TINDALE** (*Prince George*)

- Appointed to the Provincial Court February 15, 2010
- Appointed to the Supreme Court October 20, 2011

**THE HONOURABLE MR. JUSTICE GREGORY FITCH** (*Vancouver*)

- Appointed to the Supreme Court October 20, 2011

**THE HONOURABLE MR. JUSTICE ROBERT W. JENKINS** (*New Westminster*)

- Appointed to the Supreme Court December 31, 2011

**THE HONOURABLE MR. JUSTICE GORDON C. WEATHERILL** (*Vancouver*)

- Appointed to the Supreme Court May 31, 2012

**THE HONOURABLE MR. JUSTICE ROBIN A. M. BAIRD** (*Nanaimo*)

- Appointed to the Supreme Court October 5, 2012

**THE HONOURABLE MR. JUSTICE GORDON S. FUNT** (*Vancouver*)

- Appointed to the Supreme Court October 5, 2012

**THE HONOURABLE MR. JUSTICE JOHN J. STEEVES** (*Vancouver*)

- Appointed to the Supreme Court October 5, 2012

**THE HONOURABLE MR. JUSTICE KENNETH W. BALL** (*New Westminster*)

- Appointed to the Provincial Court January 6, 2003
- Appointed to the Supreme Court November 2, 2012

**THE HONOURABLE MR JUSTICE DOUGLAS W. THOMPSON** (*Nanaimo*)

- Appointed to the Supreme Court December 13, 2012

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**MASTERS OF THE SUPREME COURT**

**MASTER WILLIAM MCCALLUM** (*Victoria*)

- Appointed to the Supreme Court November 20, 1989

**MASTER DENNIS TOKAREK** (*Vancouver*)

- Appointed to the Supreme Court September 9, 1991

**MASTER MICHAEL BISHOP** (*Vancouver*)

- Appointed to the Supreme Court September 9, 1991

**MASTER DOUGLAS BAKER** (*Vancouver*)

- Appointed to the Supreme Court July 16, 1998

**MASTER SHELAGH SCARTH** (*Vancouver*)

- Appointed District Registrar August 17, 1998
- Appointed to the Supreme Court November 6, 2000

**MASTER PETER KEIGHLEY** (*New Westminster*)

- Appointed to the Supreme Court March 8, 2004

**MASTER IAN W. CALDWELL** (*New Westminster*)

- Appointed to the Supreme Court April 18, 2005

**MASTER GRANT TAYLOR** (*New Westminster*)

- Appointed to the Supreme Court July 29, 2005

**MASTER BARBARA YOUNG** (*New Westminster*)

- Appointed to the Supreme Court December 6, 2006

**MASTER CAROLYN P. BOUCK** (*Victoria*)

- Appointed District Registrar April 2, 2002
- Appointed to the Supreme Court December 11, 2009

**MASTER HEATHER MACNAUGHTON** (*Vancouver*)

- Appointed Master of the Supreme Court June 1, 2011

**MASTER ROBERT MCDIARMID** (*Kamloops*)

- Appointed Master of the Supreme Court June 1, 2011

**MASTER LESLIE MUIR** (*Vancouver*)

- Appointed Master of the Supreme Court May 7, 2012
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## REGISTRAR OF THE SUPREME COURT

**KATHRYN SAINTY, REGISTRAR OF THE SUPREME COURT** (*Vancouver*)

- Appointed District Registrar April 1, 2001
- Date of Appointment - April 1, 2001

## DISTRICT REGISTRAR OF THE SUPREME COURT

**STUART R. CAMERON, DISTRICT REGISTRAR** (*Vancouver*)

- Date of Appointment - January 31, 2011

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▲ *Appointed to the Court of Appeal*

▶ *Supernumerary*

▼ *Retired*

## JUDICIAL STAFF

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### OFFICE OF THE CHIEF JUSTICE AND THE ASSOCIATE CHIEF JUSTICE

Gail Woods	Executive Assistant to Chief Justice Bauman
Mary Williams	Executive Assistant to Associate Chief Justice Cullen
Christine Joseph, Christine Judd, Jill Leacock, Heidi McBride, Anna Negrin	Law Officers

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### JUDICIAL ADMINISTRATION

Frank Kraemer, Q.C.	Executive Director & Senior Counsel
Michelle McConnachie	Director, Human Resources and Support Services
Kevin Arens	Director, Information Technology and Finance
Cindy Friesen	Director, Supreme Court Scheduling
Tammy McCullough	Assistant to the Executive Director
Andrea Baedak	Assistant to Director, Supreme Court Scheduling and Law Officers
Michelle Sam	Judicial Assistant
Cheryl Steele	Finance Clerk
Cynthia Dale, Mary Falck	Website Administrator
Tannes Gentner	Judicial Administrative Assistant Practice Advisor
Sheri Rojas	Manager, Provincial Registrars' Program

---

### JUDICIAL ADMINISTRATIVE ASSISTANTS

Vancouver	Adrien Amadeo-Vittone, Jessica Dahyabhai, Chrissy Drew, Joy Eliasson, Diane Gooderham, Diana Hatley, Felipa Ibarrola, Joanne Ivans, Lorrie Jamieson, Maria Koulountzou, Wanda Lam, Crystal Laye, Beverlee Lea, Amy Mann, Evelyn Mathesius, Laura Munday, Linda Peter, Terri Rockwell, Samantha Servis, Pooja Suri, Catherine Turner, Stephanie WyerRose
Chilliwack	Yvonne Samek
Cranbrook	Brenda Pocha
Kamloops	Beckie Allen, Jane Raggatt

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Kelowna	Sharon Stegeman, Lana Pardue
Nanaimo	Pat McKeeman, Patricia Robison
Nelson	Kathie Pereverzoff
New Westminster	Indy Benning, Barb Gourlay, Bonnie Healy, Raji Johal, Carrie Wilke
Prince George	Susan Johns
Smithers	Donna Riel
Victoria	Karen Gurney, Cherry Luscombe, Bonnie Marcaccini, Victoria Osborne-Hughes

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## **SUPREME COURT SCHEDULING STAFF**

### **Vancouver**

Sue Smolen	Manager, Supreme Court Scheduling, Civil
Mary Ellen Pearce	Manager, Supreme Court Scheduling, Criminal
Rhona Ogston	Team Leader & Supreme Court Scheduler
Patricia Acthim, Allison Donnelly, Kim Gunn, Annie Hecimovic, Laura Hill, Christine Hutton, Jeanette McNabb	Supreme Court Schedulers
Shahla Ehtesham, Daniel Hoyles, Darlene Marasigan, Elsie Peralta	Data Entry Clerks
Erica Pizzacalla	Provincial Data Entry Clerk

### **Kamloops, Cranbrook, Golden, Revelstoke, Salmon Arm**

Dave McCoy	Manager, Supreme Court Scheduling
Beckie Allen, Doreen Czerkowski	Supreme Court Schedulers

### **Kelowna, Nelson, Penticton, Rossland, Vernon**

Barb Turik	Manager, Supreme Court Scheduling
Janine Benson	Supreme Court Scheduler
Wendy Bissonnette	Data Entry Clerk

### **Nanaimo, Campbell River, Courtenay, Port Alberni, Powell River**

Cheryl Turner	Manager, Supreme Court Scheduling
Michelle Schley	Supreme Court Scheduler

### **New Westminster, Chilliwack**

Tanya Dixon	Manager, Supreme Court Scheduling
Leanne Griffith, Renuka Pumbhak, Debbie Soroka	Supreme Court Schedulers
Lynne Muckalt	Data Entry Clerk

### **Prince George, Dawson Creek, Fort St. John, Quesnel, Williams Lake**

Pamela Wallin	Manager, Supreme Court Scheduling
Kelly Parmar	Supreme Court Scheduler
Virginia Kaun	Data Entry Clerk

### **Prince Rupert, Terrace**

Crystal Foerster	Manager, Supreme Court Scheduling
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### **Smithers**

Sharon Portsch	Manager, Supreme Court Scheduling
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### **Victoria, Duncan**

Dianne Lezetc	Manager, Supreme Court Scheduling
Jennine Gates, Sandra Smith	Supreme Court Scheduler

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### **JUDGES LIBRARY & JUDGMENT OFFICE**

Diane Lemieux	Librarian
Connie Kang	Library Technician
Andrea Baedak	Reserve Judgment Clerk

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### **SUPREME COURT USHERS**

Vancouver	Lyle Bolton, Susan Brokenshire, Gerry Cumming, Ryan Going, Max Pearce
New Westminster	Lynne Muckalt

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**IT SERVICES** *(provided by Microserve Business Computer Services)*

Mark Hujanen	Service Delivery Manager
David Chow, Simon Kim	Help Desk Lead Technician
Eddie Chan, Michael Gou,	Help Desk Technician
Will Hall, William Huang,	
Jason Lui, Jimmy Wu	

# REPORT OF THE CHIEF JUSTICE AND THE ASSOCIATE CHIEF JUSTICE

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We are pleased to have this opportunity to report on the activities and initiatives of the Court in 2012.

## THE WORK OF THE COURT

### *Generally*

The work of the Court is diverse, challenging and fascinating. Approximately 30% of the work is criminal, 25% is family and 45% is civil. However, to get a more complete sense of the workload, it is necessary to examine a number of factors. Bringing a case before the Supreme Court is a complex endeavour and many factors are relevant when examining the work of the court, including:

- the number of trials and chambers applications;
- the subject matter of the litigation;
- whether the parties are represented by counsel or are unrepresented;
- legislative requirements (e.g., procedural rules);
- the format of evidence (i.e., affidavit evidence or witnesses giving oral evidence);
- whether the trial is being heard by a judge alone or by a judge and jury;
- the estimated length of the application or trial;
- the number of litigants (civil and family proceedings) or accused (criminal proceedings) and
- the nature of criminal charges.

As in previous years, the Lower Mainland region (Vancouver, New Westminster and Chilliwack) continues to be the highest volume region in the province (see [Figure 10](#) and [Figure 11](#)). In 2012, 672 trials were heard in the Lower Mainland region. In the Southern Interior (Cranbrook, Golden, Kamloops, Kelowna, Nelson, Penticton, Revelstoke, Rossland, Salmon Arm, and Vernon) there were 196 trials. On Vancouver Island (Campbell River, Courtenay, Duncan, Nanaimo, Port Alberni, Powell River, and Victoria) there were 157 trials. Finally, in the Northern Interior region (Dawson Creek, Fort St. John, Prince George, Prince Rupert, Quesnel, Smithers, Terrace, and Williams Lake) there were 109 trials. The Lower Mainland region accounts for almost 60% of Supreme Court trials, the Southern Interior

accounts for 17%, Vancouver Island accounts for approximately 14% and the Northern Interior accounts for almost 10%.

### **Conferences**

The most recent and significant change in the work of the Court continues to be mandatory conferences, as required by the *Supreme Court Rules*. In civil and family proceedings, a case planning conference (civil) or a judicial case conference (family) is required in most proceedings, as well as a trial management conference. [Figure 3](#) provides comparative data for 2011 and 2012, which are the first two full years under the current *Supreme Court Rules*. In 2012, 8013 conferences were held in civil and family proceeding, which required 4913 hours of judicial time.

The court welcomed an amendment to the *Supreme Court Rules* that permitted masters to conduct trial management conferences. Prior to this amendment, which came into effect on July 1, 2012, only judges were permitted to conduct trial management conferences. This had a significant impact on the allocation of judicial resources. In other words, as judges were required to preside at all trial management conferences, they were not available for other work, including trials and long chambers applications. The addition of the Court's complement of masters to the roster of those who may preside at trial management conferences has gone some way towards ameliorating the scheduling challenges the Court faces. In addition, in 2012 the Court issued a practice direction that introduced an electronic process to allow parties to apply for a consent order, waiving the requirement for a trial management conference (see below). The rationale for requiring that these applications be e-filed is to enable judges or masters to receive, review, and decide these applications quickly.

Despite these amendments, the issue of whether a trial management conference should be held in every proceeding remains unanswered. The Attorney General's Rules Revision Committee, with input from the Court, is evaluating the new *Supreme Court Rules* in order to assess whether the rules changes have achieved the goal of making the court process more accessible, less costly and more timely.

### **Trial and Long Chambers Applications**

#### *Changing Proportions*

The Court's experience with trials and long chambers applications (applications with a time estimate of two hours or more) over the last decade has changed. In 2003 in Vancouver, the court heard 478 long chambers applications and 423 trials; in 2007 there were 1259

long chambers applications and 456 trials; and in 2012 there were 956 long chambers applications and 416 trials (see [Figure 7](#) and [Figure 9](#)). In the last decade, the number of trials has remained relatively stable. From 2003 to 2007, however, there was a dramatic increase in the number of long chambers applications and over the last five years, the number of long chambers applications has stabilized.

This change in the nature of the Court's work (i.e., long chambers applications v. trials) has had an enormous impact on its workload. In a trial, the evidence is presented to the court by witnesses who testify under oath over the course of a number of days, and the parties make oral submissions to the judge based on the evidence and the relevant legal issues. In a long chambers application, the evidence is presented by affidavit in a compressed period of time and the parties make submissions in writing, usually accompanied by lengthy collections of case law. In order to reach a decision in a long chambers application, the judge is required to read, absorb, distill and reflect on the same volume of material that would have been presented over a 2-3 day period in a conventional trial. When the compressed and condensed nature of long chambers work is coupled with the normal sitting schedule of a judge which is three weeks of court and one week of writing, the growth of long chambers work has a disproportionate impact on the judicial workload.

#### *Long Chambers Applications: Scheduled v. Heard*

One phenomenon that has not changed is the ratio of long chambers applications that are scheduled to those that are heard. A significant proportion of long chambers applications scheduled in Vancouver are not heard (see [Figure 5](#)). There are a number of reasons for this, including that the appearances are adjourned, the parties settle their dispute or the case is disposed of in some other manner. The numbers do not reveal the reason for this difference nor do they illuminate whether there are changing explanations for the difference. The ratio does illustrate the scheduling challenges that the Court and its scheduling staff address on a daily basis. The data also illustrates the difficulty the Court faces in accurately predicting the judicial resources required to operate and maintain an accessible, modern, and effective justice system.

#### *Bumping Rates*

A more troubling change in the court's work is the rate of scheduled trials and long chambers applications that are removed from the hearing list because of insufficient judicial resources (see [Figure 7](#) and [Figure 9](#) for Vancouver and [Figure 6](#) and [Figure 8](#) for British Columbia). In 2003 in Vancouver, 5% of trials and 11.7% of long chambers applications were bumped. In 2007, the bump rate in Vancouver had declined to 0.9% of trials and 1.4% of long chambers applications. In 2012, there was a dramatic increase in bump rates for both

trials and long chambers applications: 11.8% for trials and 9.5% for long chambers applications. As we reported last year, the bumping rates are a significant and growing problem in all registries; however, the problem continues to be particularly acute in Vancouver. We are not certain as to the cause of this increase, although we believe the increased amount of judicial resources dedicated to mandatory conferences is an important factor.

### *Judicial Vacancies*

We believe that the number of judicial vacancies on our court plays an important role in explaining the apparently increasing trend of bumping rates for both trials and long chambers applications. Although the federal government regularly fills judicial vacancies in British Columbia, the pace of appointments has not been able to keep up with retirements and supernumerary elections (both of which create vacancy on the court) in recent years. Since 2007, there have been 48 appointments to the Supreme Court. Over that same period, the average delay between when a judicial vacancy is created (e.g., a full time judge chooses to become a supernumerary judge or retires) and when the vacancy is filled (i.e. a new judge is appointed to the Court) is approximately four months. As of the writing of this report, the Court has seven vacancies<sup>1</sup>. We remain hopeful that the vacancies will be filled quickly. Unfilled judicial vacancies have obvious consequences for ensuring the provision of adequate judicial resources to hear and decide scheduled long chambers applications and trials.

We are hoping that the amendments that allow masters to preside at trial management conferences, which allow us to allocate judicial resources more effectively, will improve the bump rates; however, it will take some time for the impact of these recent changes to be visible. As we indicated last year, we are continuing to monitor this situation closely.

## **MEMORANDUM OF UNDERSTANDING**

In 2012, the provincial government launched a review of the justice system. Geoff Cowper, Q.C. was appointed to conduct the review. In response to the announcement of the review, Chief Justice Finch, Chief Justice Bauman and Chief Judge Crabtree released a statement

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<sup>1</sup> Amendments to the *Supreme Court Act* which were recently proclaimed increased the Court's full time complement to 90 justices in addition to the Chief Justice and the Associate Chief Justice, in part, to enable the Court to release judges to serve as members of the [Specific Claims Tribunal](#). Currently, Mr. Justice Harry Slade is the only member of the Court on the Specific Claims Tribunal; however it is contemplated that there will be at least two additional appointments from our Court. To date, no additional appointments have been made. As a result, in calculating the current number of judicial vacancies, we have not included three of the additional positions provided in the *Supreme Court Act*.

entitled “[Judicial Independence \(And What Everyone Should Know About It\)](#),” which was written to help people understand the importance of the principle of judicial independence to the preservation of a free and democratic society.

After completing his review, Mr. Cowper released a report. In addition, the Attorney General released a white paper. In a series of discussions that followed, the Attorney General and the Chief Justices and the Chief Judge agreed to draft a memorandum of understanding that describes the distinct roles and responsibilities that each has with respect to the administration of the courts and that articulates the manner in which the two branches of government, the executive branch and the judiciary, will interact. On April 3, 2013, the Minister of Justice and Attorney General, the Chief Justice of British Columbia, the Chief Justice of the Supreme Court and the Chief Judge of the Provincial Court signed a [Memorandum of Understanding](#), which is designed to develop and maintain an accessible, modern and effective justice system. The *Memorandum of Understanding* clarifies the structure within which the Attorney General and the judiciary will work collaboratively to meet their individual and collective responsibilities. The *Memorandum of Understanding* acknowledges and respects the constitutional framework in which the Minister of Justice and Attorney General and the judiciary, as separate and independent branches of government, operate, while noting a shared obligation to deliver timely, impartial and open justice.

### **CRIMINAL PRE-TRIAL CONFERENCE PROJECT**

This project was introduced as a pilot in 2010 in four registries as a response to the growing length and complexity of criminal proceedings. After an evaluation, which was completed in 2011, the Court expanded the project to all Supreme Court registries in British Columbia in 2012 with the issuance of a new practice direction. [CPD - 1- Criminal Pre-Trial Conference Process](#).

The practice direction requires that the Crown prepare a synopsis in all criminal proceedings and extradition proceedings. The practice direction also directs that a pre-trial conference be held in many but not all criminal proceedings, depending on the length and complexity of the proceeding. As much as possible, given scheduling constraints, the judges who preside at pre-trial conferences have experience in criminal proceedings.

The Criminal Pre-Trial Project has adopted an active case management approach that is designed to ensure that proceedings are managed efficiently and effectively from the beginning. Part of this approach requires that issues that have the potential to derail a scheduled trial be identified as early in the proceeding as possible in order to ensure sufficient time to deal with the issues. Recent amendments to the *Criminal Code*, which

permit the assignment of a case management judge who may or may not also be the trial judge, are another tool that the Court is using to manage complex criminal cases.

## **PUBLIC INFORMATION**

In 2012, the Court continued to be involved in a number of initiatives that provide information to the public about the Court, its policies and its activities. As well, the Court continues to take steps to enhance its ability to respond effectively and efficiently to requests from the public.

### ***Policy on Use of Electronic Devices in Courtrooms***

In 2012, the Supreme Court jointly with the Court of Appeal and the Provincial Court introduced the [\*Policy on Use of Electronic Devices in Courtrooms\*](#). In the Supreme Court, lawyers and accredited media are permitted to transmit and receive text unless the presiding justice, judge or other judicial officer orders otherwise. The challenge for the three courts was to develop a policy that respected the right of litigants to have a fair trial while also recognizing the rapid developments in how the public communicates and receives news and information. It was also necessary for the policy to acknowledge that different policy concerns exist in the Supreme Court and the Provincial Court, which are trial courts, than do in the Court of Appeal. To date, we have received very positive feedback on this initiative and it appears, from our perspective, to be working very well.

### ***Technology Enhancements***

#### ***Online Request Form***

Since about late 2005, the Court has required litigants seeking to appear before a specific judge, master or registrar to use an electronic form available on the Court's website. The *Request to Appear Before a Specific Judge/Master/Registrar* form allows the scheduling staff to respond to requests effectively and efficiently. In late 2012, we introduced a similar form for a party or counsel seeking the assignment of a judge in insolvency proceedings where it is anticipated that the judge will be asked to seize him or herself of the proceedings. The *Request for Assignment of Judge in Insolvency Proceedings* form provides the Court with the information required to deal effectively and efficiently with these requests. The form is an example of the Court taking advantage of technology to make it easier for litigants to communicate with the Court and for the Court to deal efficiently with requests from litigants.

## RSS Feeds

The Court is working to enhance the information features of our website. Since 2007, the Court has had an electronic notification service that provides subscribers with notice that an application for a publication ban will be made in Vancouver or New Westminster. Since 2007, the Court has also published information about publication bans issued in Vancouver and New Westminster; however, there was no link between the notification service and the results of publication ban applications (i.e., the terms of any orders made). In 2012, the Court introduced an RSS feed for publication ban orders. Anyone who subscribes to the RSS feed will be able learn the details of publication bans issued by the Court in a news reader rather than visiting the Court's website. The Publication Ban Order RSS feed joins the other RSS feeds that the Court's website has, including:

- [Recently Released Reasons for Judgment](#);
- [Announcements](#); and
- [Notification of Publication Ban Applications](#).

## JOINT COURT ACTIVITIES

In November 2012, the Supreme Court, the Court of Appeal and the Provincial Court participated in a joint conference. The topic was the “Rule of Law and the Role of the Trial Courts”. The conference marked the first time that the province's three courts had met together and it provided a wonderful opportunity for justices and judges from across the province and the three courts to share experiences and discuss matters of mutual interest. The conference was jointly planned and it reflects our continuing work with the Court of Appeal and the Provincial Court to advance the interests of justice in the province of British Columbia. In addition to the November 2012 conference, the three courts jointly issued the [Policy on Use of Electronic Devices in Courtrooms](#) and, as well, cooperated in respect of the justice reform in initiatives introduced by the provincial government. Significantly, the three courts entered into a [Memorandum of Understanding](#) which we discuss earlier.

## HAGUE PROCEEDINGS

Since 1983, Canada has been a signatory to an international treaty known as the Hague Convention that is designed to respect the rights of custody and access under contracting states and ensure that children who are wrongfully removed or retained from their homes are returned promptly. Over the years, a process has been developed in British Columbia to deal quickly with applications for the return of children so as to comply with treaty obligations. In Canada, each province or territory establishes a Central Authority responsible for managing Hague Convention applications. The Central Authority assists left-behind

parents from other jurisdictions locate children in British Columbia, retain legal counsel, apply for legal aid and prepare the Article 16 notice for the return of the children. The Central Authority also assists parents resident in British Columbia who want to bring a return application in a foreign jurisdiction. Since 2008, the Court has followed a procedural protocol for expeditiously dealing with Hague Convention applications (*see FPD-9 - [Return Applications under the 1980 Hague Convention on the Civil Aspects of International Child Abduction - Procedural Requirements](#)*).

The Court has been successful in moving Hague Convention applications quickly through the court process to a hearing whenever possible. The Court enjoys excellent communication with the Central Authority, which allows us to be aware of Hague Convention applications as soon as the Central Authority receives notice of a pending application. In addition, our procedure for promptly scheduling a Judicial Management Conference once we become aware of a return application allows us to emphasize the importance of quick resolution to the parties and their counsel. The Court gives a high priority to Hague Convention applications, including by granting scheduling priority and by assigning judges who have expertise and experience in Hague Convention applications. Finally, the Court actively supports and welcomes inter-jurisdictional cooperation and, on occasion, judges of the Court contact judges in foreign jurisdictions in accordance with protocol and jurisprudence.

### **SUPREME COURT PRACTICE DIRECTIONS AND ADMINISTRATIVE NOTICES**

In addition to the practice directions previously mentioned, the Court also issued the following Practice Directions and Administrative Notices in 2012:

- [PD - 33 - Telephone Appearances on Foreclosure Applications](#)

This Practice Direction establishes guidelines concerning when petitioners or their counsel may appear by telephone on applications in foreclosure proceedings. It was designed to standardize the practice across the province.

- [PD - 35 - Sealing Orders in Civil and Family Proceedings](#)

This Practice Direction sets out the procedure for applying for an order sealing all or part of the court file in a civil or family law case. It requires that at the hearing of an application for a sealing order the applicant provide to the Court a draft sealing order in a prescribed form. This practice direction was designed to standardize the practice around sealing orders, which are often sought in circumstances with very short and important time constraints.

- [PD - 37 - Consent Order to Waive Trial Management Conference](#)

This Practice Direction describes an electronic procedure that allows parties to make an application for a consent order, waiving the requirement for a trial management conference. The rationale for requiring that these applications be e-filed is to facilitate a streamlined and efficient process and to enable judges or masters throughout the Province to receive, review, and decide these applications quickly.

- [PD - 42 - Masters' Jurisdiction](#)

This Practice Direction describes the matters in respect of which a master does or does not have jurisdiction, including the jurisdiction of masters to preside at trial management conferences and to issue certain interim orders provided for in the *Family Law Act*.

- [AN - 10 - Late Applications Records, Reinstatements to Chambers List](#)

This Administrative Notice describes how late application records and applications that have been struck off the Chambers list are processed.

## **EXTRA JUDICIAL ACTIVITIES**

In addition to the normal workload of hearing cases and applications, writing and issuing reason for judgment, out-of-court judicial functions (e.g., desk order divorces and electronic orders) and presiding at numerous case conferences (e.g., judicial case conferences, case planning conferences, settlement conferences, judicial management conferences, pre-trial conferences, trial scheduling conferences and trial management conferences), members of the Court participate in a wide variety of activities in the legal profession and in their communities.

Members of the Court speak regularly to high school law and social justice classes, usually at courthouses when groups of students attend to watch court as part of courthouse visits and tours arranged by the Justice Education Society. Members of the Court also attend at high schools to meet and talk with students. These visits are often done in association with Law Week activities organized by the Canadian Bar Association, but they occur at other times of the year too. Members of the Court enjoy the opportunity to meet with high school students and to contribute to a greater understanding of the justice system and its role in Canadian society.

Members of the Court contributed to a number of legal publications either as members of editorial boards or as contributors. These publications include:

- *British Columbia Annual Practice*
- *British Columbia Annual Criminal Practice*
- *BC Family Practice Manual*
- *Canadian Bar Review*
- *The Conduct of Civil Litigation in British Columbia*
- *Family Law Practice Manual*
- *Family Law Sourcebook for British Columbia*
- *Introducing Evidence at Trial - 2<sup>nd</sup> Edition*
- *Supreme Court Chambers Orders - Annotated*

Members of the Court also attend continuing education seminars, for lawyers and for judges, in Canada and abroad, and as participants and speakers. In 2012, members of the Court were involved in the activities of a diverse number of organizations including:

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| <ul style="list-style-type: none"><li>• Access ProBono</li><li>• Advocates' Club</li><li>• Arbitrators Association</li><li>• L'Association des juristes d'expression française de la Colombie-Britannique</li><li>• British Columbia Council of Administrative Tribunals</li><li>• British Columbia Civil Liberties Association</li><li>• British Columbia Institute of Technology</li><li>• British Columbia Teachers' Institute on Parliamentary Democracy</li><li>• Camosun College</li><li>• Canadian Association of Insolvency and Restructuring Professionals National Conference</li><li>• Canadian Bar Association</li><li>• Canadian Defence Lawyers Conference</li><li>• Canadian Institute for the Administration of Justice</li><li>• Canadian Institute for Advanced Legal Studies</li></ul> | <ul style="list-style-type: none"><li>• Families in Transition</li><li>• Federation of Law Societies of Canada National Criminal Law Program</li><li>• Inns of Court Program</li><li>• International Congress of Maritime Arbitrators</li><li>• Justice Education Society</li><li>• Justice Institute of British Columbia</li><li>• Kwantlen Polytechnic University - Criminology Program</li><li>• Law Foundation of British Columbia</li><li>• Law Society of British Columbia</li><li>• Legal Services Society</li><li>• National Academy of Arbitrators</li><li>• National Judicial Institute</li><li>• Okanagan College</li><li>• People's Law School</li><li>• Scouts Canada</li><li>• Sopinka Cup Moot Program</li><li>• Thompson Rivers University Faculty of Law</li><li>• Trial Lawyers' Association of British Columbia</li><li>• Vancouver Association of Law</li></ul> |
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- Canadian Judicial Council National Committee on Jury Instructions
- Continuing Legal Education Society of British Columbia
- Canadian Superior Courts Judges Association

- Libraries
- Vancouver Foundation
  - Victoria Foundation
  - University of British Columbia Faculty of Law
  - University of Victoria Faculty of Law

## ACKNOWLEDGEMENTS

In closing, we wish to thank the people who work in courthouses across the province: court clerks, registry staff, sheriffs and other Court Services Branch employees. The administration of justice in British Columbia relies heavily on the professionalism and dedication of the public servants who work diligently on behalf of the judiciary and the citizens of British Columbia.

We would also like to acknowledge the contributions of the Court’s judicial administrative and support staff, including the judicial administration and library staff, judicial administrative assistants, scheduling staff, law officers, judicial law clerks and IT staff. The Court relies on the professionalism of our support staff, and we are grateful for their hard work and dedication to the work of the Court.

Finally, we would also like express our gratitude to our judicial colleagues: the judges, masters and registrars of the Court. They willingly provide invaluable advice and support in respect of the administration of the Court.

**Robert J. Bauman**  
Chief Justice

**Austin F. Cullen**  
Associate Chief Justice

# JURISDICTION OF THE COURT

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## **SUPERIOR COURT**

The Supreme Court of British Columbia is the province's superior trial court. It is a court of general and inherent jurisdiction. This means that the Supreme Court has jurisdiction to hear and decide any matter that comes before it, unless a statute or rule limits that authority or grants exclusive jurisdiction to some other court or tribunal. The Supreme Court's inherent jurisdiction allows it to control its own processes and procedures in order to ensure fairness and to prevent abuses of process. The Supreme Court hears civil (including family) and criminal cases, as well as appeals from Provincial Court. The Supreme Court also reviews the decisions of certain administrative tribunals, including the Labour Relations Board, Workers Compensation Appeal Tribunal, the British Columbia Human Rights Tribunal and residential tenancies arbitration decisions.

## **SUPREME COURT REGISTRIES AND LOCATIONS**

The Supreme Court is a circuit court in which all the judges and masters travel throughout the province to preside over cases. The Supreme Court sits in seven judicial districts and has resident judges in Vancouver, Chilliwack, Cranbrook, Kamloops, Kelowna, Nanaimo, Nelson, New Westminster, Prince George, Prince Rupert, Smithers and Victoria. The Supreme Court also sits in the following additional locations where there is no resident judge or master: Campbell River, Courtenay, Dawson Creek, Duncan, Fort St. John, Golden, Penticton, Port Alberni, Powell River, Quesnel, Revelstoke, Rossland, Salmon Arm, Terrace, Vernon and Williams Lake.

## **JUSTICES OF THE SUPREME COURT**

The Supreme Court currently has 103 justices: the Chief Justice, the Associate Chief Justice, 80 justices and 21 supernumerary justices. As of the date of this report, there are seven vacancies. Vacancies are created when a regular sitting justice is elevated to the Court of Appeal, retires or elects to become a supernumerary justice. The retirement of a supernumerary justice does not create a judicial vacancy.

## **JUDICIAL APPOINTMENTS**

Judicial appointments are made by the Governor-in-Council on the recommendation of the federal Minister of Justice. The Commissioner for Federal Judicial Affairs oversees the appointment process on behalf of the Minister of Justice. Supreme Court justices are

appointed to hold office until their mandatory retirement age of 75 and can only be removed from office for cause. The Canadian Judicial Council, a body comprised of the Chief Justices and Associate Chief Justices of the superior courts in each province and territory and presided over by the Chief Justice of Canada, is responsible for investigating and responding to complaints about judicial conduct.

### **SUPREME COURT MASTERS**

The Supreme Court has 13 masters who are resident in Vancouver, Victoria, New Westminster, Kamloops and Kelowna. Masters sit in all of the registries throughout the province on a regular basis.

Masters are judicial officers appointed by the provincial government by Order in Council after receiving recommendations from an ad hoc committee consisting of the Chief Justice, the Deputy Attorney General, the President of the Law Society of British Columbia and the President of the B.C. Branch of the Canadian Bar Association. Masters preside in civil chambers and registrar hearings and hear and determine a wide variety of applications in chambers. Supreme Court Masters also have the jurisdiction of registrars and preside as registrars throughout the province.

### **REGISTRARS**

The Supreme Court has one Registrar and one District Registrar who are resident in Vancouver, although they do sit in other registries throughout the province from time to time.

Registrars are appointed pursuant to s. 12 of the *Supreme Court Act* and are under the general direction of the Chief Justice. They hear a wide variety of matters, including reviews of lawyers' accounts, bankruptcy discharge applications and bankruptcy taxations, assessments of bills of costs, subpoenas to debtor, passing of accounts, references of various types and settling orders.

The Registrar of the Supreme Court, in addition to carrying out the above noted duties, is also responsible for overseeing the province's deputy district registrars who work in the court registries across the province. The Registrar serves as a liaison between the Court and the Court Services Branch in relation to registrars' issues. The Registrar is also a member of the Attorney General's Rules Revision Committee and other court and public committees as directed by the Chief Justice.

## CHANGES IN THE COURT'S COMPLEMENT

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In 2012, the Court welcomed the appointment of six new justices and a new master. The Court also celebrated the elevation of one of its members to the Court of Appeal and the retirement of a number of colleagues.

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### APPOINTMENTS

The Court welcomed the following appointments:

- Mr. Justice Gordon C. Weatherill - May 31, 2012
  - Mr. Justice Robin A.M. Baird - October 5, 2012
  - Mr. Justice Gordon S. Funt - October 5, 2012
  - Mr. Justice John J. Steeves - October 5, 2012
  - Mr. Justice Kenneth W. Ball - November 2, 2012
  - Mr Justice Douglas W. Thompson - December 13, 2012
  - Master Leslie J. Muir - May 7, 2012
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#### **The Honourable Mr. Justice Gordon C. Weatherill**

Mr. Justice Weatherill was appointed to the Supreme Court at Vancouver on May 31, 2012, to fill the vacancy created when the Honourable Mr. Justice Burnyeat elected to become a supernumerary judge.

Mr. Justice Weatherill received a Bachelor of Laws from the University of British Columbia in 1979 and was admitted to the Bar of British Columbia in 1980. Mr. Justice Weatherill practised as an associate and partner with Lawson Lundell from 1980 until his appointment. His main area of practice was commercial litigation. Mr. Justice Weatherill was appointed Queen's Counsel in 2009. Mr. Justice Weatherill served on the board of the Vancouver Bar Association and the UBC Law Alumni Association. He was inducted as a "Fellow" in the Litigation Counsel of America in 2012. He was also an active volunteer in a number of community organizations, including minor hockey and Little League.

#### **The Honourable Mr. Justice Robin A.M. Baird**

Mr. Justice Baird was appointed to the Supreme Court at Nanaimo on October 5, 2012, to fill the vacancy created when the Honourable Madam Justice J.A. Power transferred to

Victoria to fill the vacancy created when Mr. Justice R.W. Metzger elected to become a supernumerary judge.

Mr. Justice Baird received a Bachelor of Laws from Queen's University in 1989 and was admitted to the Bar of British Columbia in 1990. Mr. Justice Baird practised criminal law as Crown Counsel with the Criminal Justice Branch of the Ministry of the Attorney General in Vancouver and Victoria from 1990-1995 and from 2004-2011. From 1996 until 2004, Mr. Justice Baird was in private practice in Victoria where he specialized in criminal defence and civil litigation, with the exception of 1997-1999, during which years he attended the London School of Economics and obtained a Masters of Laws. In 2011, Mr. Justice Baird was appointed to Provincial Court of British Columbia.

Mr. Justice Baird was a commissioner of the Canadian Human Rights Commission from 2008 to 2011 and a member of the Provincial Council of the Canadian Bar Association, British Columbia Branch, from 2010 to 2011. He also served a Director of the Victoria Bar Association and a volunteer lawyer for the Salvation Army Pro Bono Legal Clinic from 2000 to 2004. Between 2000 and 2006, he was an occasional and sessional lecturer in various legal subjects at the University of Victoria Faculty of Law.

At the time of his appointment to the Supreme Court, Mr. Justice Baird was assigned to the Provincial Court in Surrey.

### **The Honourable Mr. Justice Gordon S. Funt**

Mr. Justice Funt was appointed to the Supreme Court at Vancouver on October 5, 2012, to fill the vacancy created when the Honourable Mr. Justice Harris was elevated to the Court of Appeal.

Mr. Justice Funt received a Bachelor of Laws from the University of British Columbia in 1977 and was admitted to the Bar of British Columbia in 1978 after articling at Braidwood, Nuttall, MacKenzie, Brewer, Stevenson and Greyll (now known as MacKenzie Fujisawa). From 1981-1984, Mr. Justice Funt developed his tax practice at Thorne Riddell and in 1984 he joined the firm of Mawhinney and Kellough. Mr. Justice Funt practised in the area of tax planning and litigation, and at the time of his appointment he was National Tax Group Leader at Fraser Milner Casgrain LLP.

Mr. Justice Funt was a member of the International Fiscal Association, the Canadian Tax Foundation and the Society of Tax and Estate Practitioners. From 2001 to his appointment, he was the Editor-in-Chief for Business Vehicles, Federated Press. He is the author of numerous published articles and papers and was a lecturer at various conferences.

### **The Honourable Mr. Justice John J. Steeves**

Mr. Justice Steeves was appointed to the Supreme Court at Vancouver on October 5, 2012, to fill the vacancy created when the Honourable Madam Justice Loo elected to become a supernumerary judge.

Mr. Justice Steeves received a Bachelor of Laws from the University of British Columbia in 1985. He was admitted to the Bar of British Columbia in 1986 and to the Bar of the Yukon in 1993. Mr. Justice Steeves practised in the areas of labour law, administrative law and occupational health and safety law. Mr. Justice Steeves served as the Chief Negotiator for the Yukon government in negotiations with the federal government and Council of Yukon Indians in respect of health services. From 2000 to 2002, Mr. Justice Steeves was the Chief Appeal Commissioner for the Workers' Compensation Board of British Columbia. In 2003, Mr. Justice Steeves established a labour arbitration practice (he obtained the designation of Chartered Arbitrator) and also served as a part-time adjudicator for a variety of tribunals, including the Labour Relations Board of B.C., the Workers' Compensation Appeal Tribunal, the Yukon Public Service Staff Labour Relations Board, the Yukon Teachers' Staff Labour Relations Board and the federal Public Service Staff Labour Relations Board.

### **The Honourable Mr. Justice Kenneth W. Ball**

Mr. Justice Ball was appointed to the Supreme Court at Vancouver on November 2, 2012, to fill the vacancy created when the Honourable Mr. Justice Davies elected to become a supernumerary judge.

Mr. Justice Ball received a Bachelor of Laws from the University of British Columbia in 1976 and was admitted to the Bar of British Columbia in 1977. Mr. Justice Ball practised at DuMoulin Black Brazier and Hall, primarily in the areas of criminal law and civil litigation. Mr. Justice Ball was appointed to the Provincial Court of British Columbia in 2003 and served as an elected member of the British Columbia Provincial Court Judges Association from 2003 to 2007. Mr. Justice Ball was the editor of *Small Claims Act and Rules - Annotated*, which is published by the Continuing Legal Education Society. Mr. Justice Ball also contributed to the production of an electronic bench book for provincial court judges on the statutory jurisdiction of the Small Claims Court.

At the time of his appointment to the Supreme Court, Mr. Justice Ball was assigned to the Provincial Court in Surrey.

### **The Honourable Mr Justice Douglas W. Thompson**

Mr. Justice Thompson was appointed to the Supreme Court at Nanaimo on December 13, 2012, to fill the vacancy created when the Honourable Mr. Justice B. MacKenzie transferred to Victoria.

Mr. Justice Thompson received a Bachelor of Law degree from the University of Victoria in 1982 and was called to the Bar of British Columbia in 1983. Mr. Justice Thompson practiced at Hatter Thompson Shumka McDonagh in Victoria, primarily in the area of civil litigation. Mr. Justice Thompson was an adjunct professor at the University of Victoria from 1995 to 1997, teaching civil procedure. From 1992 to 1996, Mr. Justice Thompson was a member of the board of BC Hydro and Power Authority, and from 2003 to 2007 he was a member of the board of Atomic Energy of Canada Limited. He received a Master of Laws degree from the University of Victoria in 2008. From 2008 to 2012, Mr. Justice Thompson was a member of the Council of the Canadian Red Cross (B.C. Coastal Region).

### **Master Leslie J. Muir**

Master Muir was appointed Master of the Supreme Court in Vancouver on May 7, 2012.

Master Muir received a Bachelor of Laws from the University of British Columbia in 1981. After clerking for the Court of Appeal, Master Muir articulated with Shrum, Liddle & Heberton (now McCarthy Tétrault) and was admitted to the Bar of British Columbia in 1983. Master Muir practised with Darrell Roberts, Q.C., at the firm that eventually became known as Roberts & Muir. Master Muir later practised in the area of family law with Davidson, Muir & Sandor. For a time, Master Muir was in-house counsel with the Lawyers' Insurance Fund, and in 2000 she joined Holmes and King where she continued to practise civil litigation. Master Muir has been involved with the Sierra Legal Defence Fund, West Coast LEAF, the Trial Lawyers Association of British Columbia, the BC Branch of the Canadian Bar Association and Access ProBono.

## **ELEVATIONS**

### **The Honourable Mr. Justice David C. Harris**

Mr. Justice Harris was elevated to the Court of Appeal on April 10, 2012, to fill the vacancy created when the Honourable Mr. Justice Tysoe elected to become a supernumerary judge.

Mr. Justice Harris obtained a Bachelor of Laws from the University of British Columbia in 1985 and after clerking at the Court of Appeal was called to the British Columbia Bar in 1987. At the time of his appointment to the Supreme Court in 2010, Mr. Justice Harris practised with Hunter Litigation Chambers where he practiced civil litigation, including

product liability, class action, personal injury, corporate, commercial, real estate, constitutional and mass tort litigation. Mr. Justice Harris taught civil procedure at the University of British Columbia Law School and was involved with the Trial Advocacy and the Inns of Court programs. Mr. Justice Harris was appointed Queen's Counsel in 2004. He was also involved in a number of Continuing Legal Education (CLE) programs and served on the editorial board of the CLE Book on Experts. He was a Fellow of the American College of Trial Lawyers and was involved in various charity campaigns, including the Heart and Stroke Foundation.

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## **RETIREMENTS**

### **Madam Justice Marion J. Allan**

Madam Justice Allan obtained a Bachelor of Laws from the University of British Columbia in 1977 and was called to the bar in 1978. She practised at Russell and DuMoulin (now Fasken Martineau) and developed a particular expertise in civil litigation. Madam Justice Allan was appointed to the County Court in 1988 and to the Supreme Court in 1990. Madam Justice Allan retired on April 2, 2012.

### **Madam Justice Mary Ellen Boyd**

Madam Justice Boyd obtained a Bachelor of Laws from the University of British Columbia in 1974 and was called to the bar in 1975. She practised in Vancouver at Bull Houser & Tupper in the area of civil litigation and family law. Madam Justice Boyd was appointed to the County Court in 1985 and to the Supreme Court in 1990. Madam Justice Boyd retired on May 31, 2012.

### **Madam Justice Lynn Smith**

Madam Justice Smith obtained a Bachelor of Laws from the University of British Columbia in 1973 and after clerking for Chief Justice Farris was called to the bar in 1974. Madam Justice Smith practised at Shrum, Liddle & Heberton (now McCarthy Tétrault) until 1981, when she accepted a full time faculty appointment at the University of British Columbia Faculty of Law. Madam Justice Smith served as Dean of Law from 1991 to 1997. Madam Justice Smith was appointed to the Supreme Court in 1998. Madam Justice Smith retired on September 7, 2012.

### **Mr. Justice Victor R. Curtis**

Mr Justice Curtis obtained a Bachelor of Laws from the University of Toronto in 1971 and was called to the bar in 1972. Mr. Justice Curtis practised in Prince George and developed a general practice at Bogle, Curtis, Farr and Clarke. Mr. Justice Curtis was appointed to the County Court in 1986 and to the Supreme Court in 1990. Mr. Justice Curtis retired on December 31, 2012.

# COMMITTEE REPORTS

# CIVIL LAW COMMITTEE

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## COMMITTEE MEMBERS

Mr. Justice Myers (*Chair*)  
Mr. Justice Bowden  
Mr. Justice Davies  
Madam Justice Gray  
Mr. Justice Goepel  
Madam Justice Griffin  
Mr. Justice McEwan  
Mr. Justice Walker  
Mr. Justice Willcock  
Mr. Justice Smith  
Master Bouck  
Jill Leacock, *Law Officer (Secretary)*

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During 2012, the Committee continued to deal with issues arising from the implementation of the new Supreme Court Civil Rules and other aspects of civil practice.

Matters considered by the Committee over the course of the year included the following:

- commenting on the use of electronic devices in the courtroom;
- various issues relating to desk orders;
- considering the potential impact on the Court of the *Civil Resolution Tribunal Act*;
- settlement conference issues;
- model Mareva orders;
- model bankruptcy and insolvency orders;
- implementation of request for the assignment of a judge in insolvency matters; and
- mandatory e-filing proposal from the government.

Members of the Committee continue the practice of preparing case alerts, which serve to keep members of the court informed of important case law in the area of civil practice.

# CRIMINAL LAW COMMITTEE

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## COMMITTEE MEMBERS:

Mr. Justice Smart (*Chair*)  
Madam Justice Ker (*Vice-Chair*)  
Associate Chief Justice Cullen  
Madam Justice Bruce  
Madam Justice Dickson  
Mr. Justice Ehrcke  
Mr. Justice Gaul  
Madam Justice Holmes  
Madam Justice Koenigsberg  
Mr. Justice Leask  
Mr. Justice Schultes  
Mr. Justice Silverman  
Madam Justice Stromberg-Stein  
Mr. Justice Williams  
Heidi McBride, *Law Officer (Secretary)*

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The Criminal Law Committee continued to provide the court with assistance with respect to various matters that arose during 2012, including providing representatives for the Publication Ban Working Group, the Vancouver Law Court Users' Committee, the Paralegal Working Group, the Working Group on Court Communication Technology, a committee considering the issue of cameras in courtrooms and a committee reviewing the Court Record Access Policy.

The Criminal Law Committee, also through Madam Justice Holmes, provided summaries of new criminal legislation as it came into force, including provisions for mega trials, jury changes and the appointment of case management judges. Mr. Justice Ehrcke continued to provide updates and summaries of important criminal law decisions from the Supreme Court of Canada.

In 2012, the Criminal Law Sub-Committee chaired by Madam Justice Holmes recommended that the Criminal Pre-Trial Conference Pilot Project, which had been operating since March 2010, be expanded to all Supreme Court Registries in the province. Associate Chief Justice

Cullen accepted this recommendation, and on December 1, 2012, he issued a practice direction expanding the project to include all Supreme Court registries.

The Committee also provide information to the Associate Chief Justice concerning recent amendments to the *Criminal Code*, including the creation of the position of a case management judge to assist in the management of jury and judge-alone trials and provisions for empanelling juries with thirteen or fourteen jurors instead of the usual twelve members juries.

The Committee and its members continue to be active in educational and training activities, including organizing and presenting criminal law topics for National Justice Institute conferences and Law at Lunch presentations, and through ongoing versions of updates to the court on current issues in criminal law. Members of the Committee are also involved in speaking to lawyers, high school students, law students, visiting judges and various other groups through the Justice Education Society, the Inns of Court program, the Continuing Legal Education Society, the B.C. Civil Liberties Association and other similar organizations.

## EDUCATION COMMITTEE

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### COMMITTEE MEMBERS:

Mr. Justice Schultes (*Chair*)  
Mr. Justice Abrioux  
Madam Justice Ballance  
Mr. Justice Betton  
Madam Justice Dardi  
Madam Justice Fenlon  
Madam Justice Fisher  
Madam Justice Gropper  
Mr. Justice Harvey  
Mr. Justice Kelleher  
Mr. Justice Sewell  
Mr. Justice Silverman  
Mr. Justice Smart  
Mr. Justice Voith  
Madam Justice Watchuk  
Mr. Justice Willcock  
Master Bouck  
Master Keighley  
Heidi McBride, *Law Officer (Secretary)*

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The function of the Education Committee is to organize and present continuing education programs to keep the members of the Court current on substantive law, the skills of judging and the social context within which judging takes place.

The Committee delivers its programs at judicial education conferences held in May and November of each year, presented in partnership with the National Judicial Institute, and at regular lunchtime seminars in Vancouver, which are also accessed from across the province by telephone or video. The members of the Court continue to demonstrate a high degree of engagement in these programs.

The May 2012 conference sessions addressed such diverse topics as the science underlying pain assessment, the review of search warrants and authorizations to intercept private

communications and the ways in which the mental health issues of litigants impact on the role of the judge. Presenters included distinguished lawyers, doctors and researchers from across Canada, as well as experienced members of the Court.

The November 2012 conference was jointly held with the Provincial Court and the Court of Appeal. The overall topic was the rule of law and the role of trial courts. Madam Justice Fisher was co-chair of the conference and Madam Justice Dickson, Mr. Justice Smart and Mr. Justice Harvey were members of the planning committee. Session topics included the development of the rule of law (including a stirring reminder of the failure of judges to uphold it during the Holocaust), the fact-finding process and the resolution of conflict in the courtroom. An expert faculty drawn from across North America and from within the two trial courts presented. The conference's concluding address was given by the Chief Justice of Canada.

The Committee welcomed new members in 2012: Mr. Justice Abrioux, Madam Justice Dardi and Mr. Justice Willcock, and welcomed back its former chair Mr. Justice Kelleher, whose wise counsel continues to be invaluable. With gratitude and regret, it also bid farewell to Madam Justice Ross and Madam Justice Smith, whose dedication and creativity over many years will be greatly missed.

# LAW CLERK COMMITTEE

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## COMMITTEE MEMBERS

Madam Justice L. Smith (*Chair*)

Madam Justice Arnold-Bailey

Mr. Justice Barrow

Madam Justice Dillon

Mr. Justice Fitch

Mr. Justice Pearlman

Jill Leacock, *Law Officer*

Heidi McBride, *Law Officer*

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The Committee sent a representative to the University of British Columbia Faculty of Law, the University of Victoria Faculty of Law and, for the first time, to the Thomson Rivers University Faculty of Law to discuss the Judicial Law Clerk Program with law students. In March 2013, the Committee interviewed 32 candidates and selected 18 who will begin their clerkships in September 2014.

In September 2012, eighteen law clerks began their clerkships. Continuing with the pattern established in 2009, thirteen law clerks are assigned to Vancouver, three law clerks are assigned to New Westminster and two law clerks are assigned to Victoria. Our clerks are graduates of the University of Victoria, University of British Columbia, University of Toronto, University of Ottawa, University of New Brunswick, and Dalhousie.

The Supreme Court judicial law clerks for the 2012/13 term are:

### **Vancouver:**

Katy Allen

Alex Etchell

Sascha Paruk

Jordan Bank

Samuel Jaworski

Rebecca Robb

Alex Boland

Ian Kennedy

Martin Twigg

Angela Crimeni

Lauren Kristjanson

Jim Cruess

Michael Manhas

### **New Westminster:**

Ariel Bultz

Andrea Kastanis

Elisa Penn

**Victoria:**

Jenn Cameron

Matthew Tomm

Each law clerk is assigned to a complement of five to seven judges for whom they undertake legal research and editing and proofreading of Reasons for Judgment.

The Committee wishes to extend its gratitude and appreciation to the court's law clerks for the assistance that they provide to the judges and masters of the Court. The enthusiasm, commitment, and dedication they bring to their work and to the work of the Court are invaluable, and the members of the Court benefit greatly from the presence of the law clerks.

In September 2012, Madam Justice Smith resigned as Chair of the Law Clerks Committee upon her retirement from the Court. The remaining Committee members are thankful for her many contributions to the program over the years, not least of which was her service as one of the first judicial law clerks in 1973. The Committee welcomed Mr. Justice Fitch to the Committee.

# JOINT COURTS TECHNOLOGY COMMITTEE

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## COMMITTEE MEMBERS

Mr. Justice Masuhara (*Chair*)

Mr. Justice Groberman

Madam Justice Levine

Madam Justice Adair

Mr. Justice Myers

Mr. Justice Punnett

Mr. Justice Rogers

Master Baker

Jennifer Jordan, *Registrar, Court of Appeal*

Frank Kraemer, Q. C., *Executive Director & Senior Counsel, Judicial Administration*

Kevin Arens, *Director, Information Technology & Finance*

Cindy Friesen, *Director, Supreme Court Scheduling*

Timothy Outerbridge, *Law Officer, Court of Appeal*

Heidi McBride, *Law Officer, Supreme Court*

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In 2012, the Committee continued to review the many technology projects in which the judiciary is involved. They include: the Court of Appeal E-filing project, the Supreme Court Scheduling System (SCSS), the Judicial Module, and the Integrated Electronic Courts initiative. A key focus of the Committee in 2012/13 was the replacement of laptops for the judiciary. Temporary measures such as replacing batteries and hard drives were losing effectiveness. The Committee developed a business case, a survey to collect judicial requirements, criteria for selection, and a timeline for acquisition and distribution. Laptops were tested and selected. Delivery and distribution of laptops to the judiciary is expected in May 2013.

# JUDGES' LIBRARY COMMITTEE

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## COMMITTEE MEMBERS:

Madam Justice Kirkpatrick (*Chair*)

Madam Justice Griffin

Madam Justice Humphries

Madam Justice Kloegman

Frank Kraemer, Q.C., *Executive Director & Senior Counsel, Judicial Administration*

Diane Lemieux, *Librarian*

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The Library continues to find ways to balance its budget and provide current resources to its users.

The library staff maintain the collections in Vancouver as well as locations outside Vancouver. They are also responsible for the processing and posting of the judgments of the Court of Appeal and the Supreme Court on the courts' websites.

The Library acquired 97 items, including 57 texts, 11 loose-leaf services, 8 Continuing Legal Education materials and 3 reference texts.

With the launch of ICLR Online on 18 October 2011, a decision was made in 2012 to change our print subscription to the official Law Reports (A.C., Q.B., Ch., Fam.) and the Weekly Law Reports to an electronic one. Published by the Incorporated Council of Law Reporting for England and Wales, the recent availability of the British law reports online meant the timing was right for the purchase of a five-concurrent-user license. With online searching now becoming commonplace and shelf space at capacity, going from hard copy to electronic was considered a suitable choice. This package includes a weekly content alert that is e-mailed to judges who are interested, alerting subscribers to recent case reports and case summaries.

The judicial members of the Committee express their thanks to staff for their work over the past year.

# RULES REVISION COMMITTEE

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## COMMITTEE MEMBERS

Mr. Justice Smith (*Chair*)  
Madam Justice Dickson  
Madam Justice Dillon  
Mr. Justice Joyce  
Master McCallum  
Master Young  
Registrar Sainty  
Mr. Kenneth G. Downing, Q.C., Legislative Counsel  
Mr. Peter Behie, Q.C.  
Mr. Daniel Bennett  
Mr. Dinyar Marzban, Q.C.  
Mr. Kenneth McEwan, Q.C.  
Mr. Eugene Raponi, Q.C.  
Chief Justice Robert J. Bauman (*ex officio*)  
Mr. Richard Fyfe, Q.C. Deputy Attorney General (*ex officio*)  
Ms. Jill Leacock (*Supreme Court Law Officer*) - *Secretary*

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## Mandate of the Committee

The Rules Revision Committee (“Committee”) is a committee of the Attorney General. The Committee has an advisory role, assisting the Attorney General in making recommendations to the Lieutenant Governor in Council for changes to the *Supreme Court Rules*.

The *Court Rules Act* provides that the Lieutenant Governor in Council has the power to make Rules governing the conduct of litigation in the Supreme Court. After the Committee makes recommendations to the Attorney General regarding proposed amendments, the Attorney General consults with the Chief Justice, as is required by the *Court Rules Act*, before presenting the amendments to Cabinet. With the exception of some stand-alone amendments, proposed *Rules* amendments are typically presented to Cabinet in a package each spring. Upon Cabinet approval, the amendments are enacted by Order-in-Council and are usually effective July 1st. The text of the *Rules* is available on the Court’s website at [www.courts.gov.bc.ca](http://www.courts.gov.bc.ca).

## Composition of the Committee

The Attorney General appoints the members of the Committee by ministerial order, after consultation with the Chief Justice and the Chair. The Committee includes judges, masters, members of the bar, legislative counsel and a representative of the Court Services Branch. The members of the bar are chosen for their expertise in civil or family litigation and also broadly represent larger and smaller centres of the Province.

## Supreme Court Rules 2010

A new set of *Civil and Family Rules* came into effect on July 1, 2010. The Committee has continued to monitor the ‘new’ *Rules* and assess whether certain key changes that were implemented by the 2010 revision of the *Rules* are working as intended.

## Rule Amendments in 2012

In response to input from the Bench and Bar, a number of *Rules* amendments were made in 2012. One significant amendment was made in relation to the conduct of trial management conferences (“TMCs”). Under the *Rules*, TMCs are mandatory in most civil and family cases and, where practicable, are to be conducted by the judge who will preside at trial. Scheduling implications and the impact of mandatory TMCs on judicial resources have proved to be challenging for the Court, with the result that the *Rules* were amended to permit masters to conduct TMCs. Another important amendment resulted in the various Forms of Orders prescribed by the *Rules* being amended to require that only the terms of the Order may appear in the Order as filed; instructions and extraneous terms that guide preparation of the Form of Order must be deleted. This change to the Forms of Orders was motivated by the expression of concern from the Bench that Court Orders had become cluttered and confusing. Other important amendments to the *Supreme Court Family Rules* were made in 2012 to facilitate the implementation of the new *Family Law Act*, which replaces the *Family Relations Act*.

## Input is Welcome

Many changes to the *Supreme Court Rules* are prompted by the input of members of the Bench or the profession who have noticed a ‘gap’ in the *Rules*, discrepancies within the *Rules*, or other sorts of issues that require a ‘fix’. As well, members of the Bar suggest how aspects of the *Rules* might be improved upon, often having regard to the provisions of other jurisdictions. The Committee welcomes comments from the Court, members of the Bar and the public related to its work.

# JUDICIAL ACCESS POLICY WORKING GROUP

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## COMMITTEE MEMBERS:

Jennifer Jordan, *Registrar, Court of Appeal (Chair)*  
Frank Kraemer, Q. C., *Executive Director & Senior Counsel, Judicial Administration*  
Jan Rossley, *Executive Director Judicial Administration, Provincial Court*  
Craig Wilkinson, *Executive Director Judicial Administration, Provincial Court*  
Trish Shwart, *Executive Director Business Transformation and Corporate Planning,  
Court Services Branch*  
Brenda Miller, *Executive Director Corporate Support, Court Services Branch*  
Dan Chiddell, *Director Strategic Information & Business Applications, Court Services  
Branch*  
Alanna Valentine, *Director Court Reform and Transformation, Court Services Branch*  
Wendy Harrison, *Senior Analyst, Court Services Branch*  
Timothy Outerbridge, *Law Officer, Court of Appeal*  
Heidi McBride, *Law Officer, Supreme Court*  
Gene Jamieson, Q. C., *Legal Officer, Provincial Court*  
Kathryn Thomson, *Legal Policy Advisor*

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## Mandate of the Committee

The Committee is a joint committee consisting of representatives from all three courts and Court Services members. The Committee develops draft policies and interacts with the various court committees, seeking guidance and approval for draft policies relating to access to court records, specifically those in electronic format. The Chief Justices and Chief Judge give approval before a policy is adopted. In addition to policy work, the Committee also reviews access applications for those seeking bulk access to court record information.

## Work of the Committee

### *Access to Documents and Court Record Information*

In 2012, the Supreme Court approved an expanded list of documents that could be viewed through Court Services Online (CSO). These documents are similar to the existing list of documents, where the viewable information is the type of information regularly available to the public. The judiciary is responsible for setting the policy in this area.

As well, the Committee has been reviewing a number of requests for special access to the courts' information and trying to balance the commercial aspect of the requests against the principles of facilitating the conduct of civil proceedings and improving access to court record information where the public interest is served. One applicant was refused where there was no demonstrable public interest in the access sought.

#### *Access Policies*

The [Court of Appeal](#) completed its access policy in 2012. This policy complements the policies of the [Supreme Court](#) and the [Provincial Court](#), which were completed last year.

#### *Access Applications*

During the year, the Committee received, considered and granted a number of applications for access to court records to a variety of government agencies and departments in the course of fulfilling their statutory mandates. There were also applications to access information for research purposes. Such a request is encouraged where there is no collection of individual identifiers.

#### *New Files List*

Access to new civil files, which has been available to the media for many years, has been affected as many new files are now electronic rather than paper. In order to continue giving the media access to new civil files, a new list of cases is made available daily through [Court Services Online \(CSO\)](#). This list is not archived and is not available through a Google search.

#### *Application Process Online*

In order to simplify the application process for special access to court records, the application material will be made available online.

#### *Access to Court of Appeal Records*

The first application for access to the Court of Appeal case management system (WebCATS) was made in 2012. Access was provided to allow the applicant organization in order so that it could update its record with the most current information.

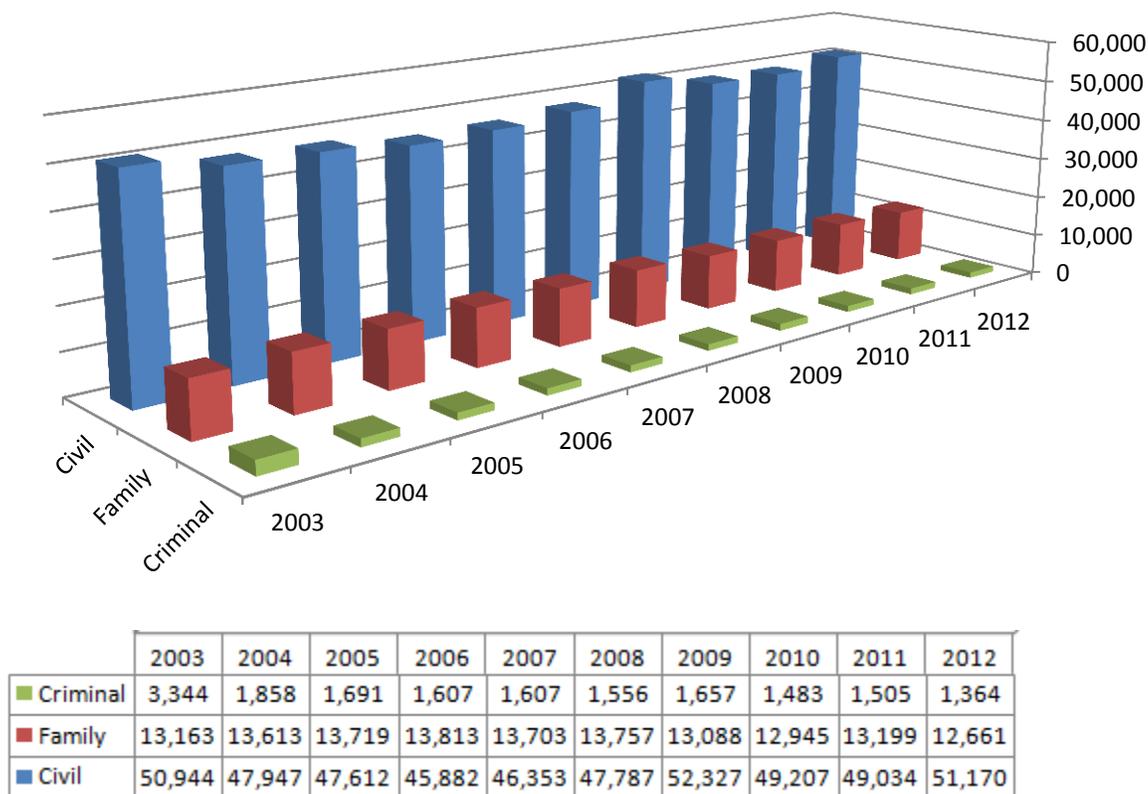
#### *Government Reorganization*

The reorganization of some branches in the Ministry of Justice has made it necessary to consider the ramifications of removing employees who access court applications and

moving them to corporate and information technology branches under different management. Discussions on these moves continue.

## APPENDIX A - COURT INFORMATION

Figure 1: New Criminal, Family, and Civil Filings



The **Civil** category includes all general civil cases (e.g., motor vehicle, bodily injury, debt collection, breach of contract, foreclosure, bankruptcy, probate, judicial review and appeals).

The **Family** category includes all *Divorce Act* and *Family Relations Act* proceedings. For this table, it also includes *Adoption Act* proceedings.

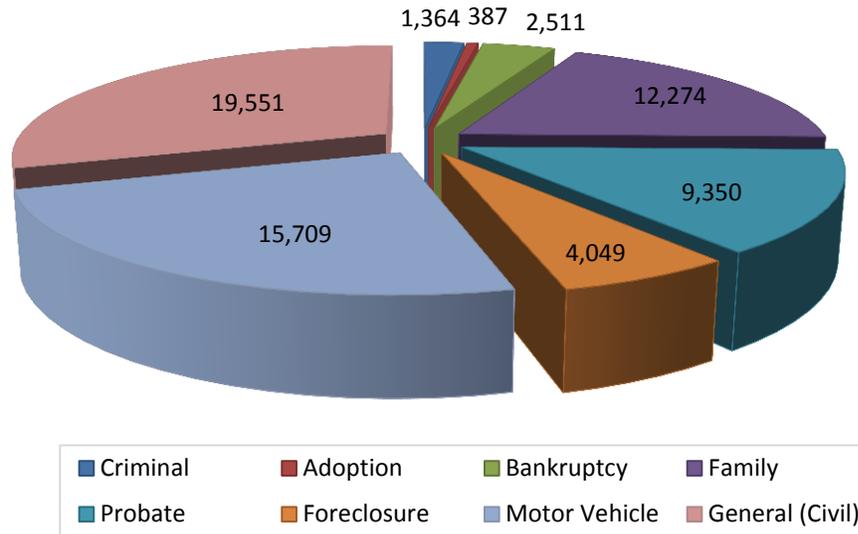
The **Criminal** category includes criminal matters such as *Criminal Code*, *Controlled Drugs and Substances Act*, and *Extradition Act* proceedings, as well as bail reviews. A new criminal filing in the Supreme Court occurs when an indictment is filed or a file is transferred from another registry.

With respect to the **Criminal** category, it should be noted that amendments to the *Offence Act*, which took effect on July 1, 2003, resulted in applications to extend the time for filing an appeal of deemed convictions for traffic and by-law offences (e.g., speeding tickets and parking tickets) being removed from the Supreme Court. The removal of these applications accounts in large part for the decline in the total number of criminal filings beginning in 2003; however, the legislative change had little impact on the substantive criminal work of the Court.

*Note: The criminal filings have been restated for 2003-2012 because of a calculation error made when preparing the 2011 information, which involved a failure to count new criminal filings for a one-month period. The original number for 2011 new criminal filings was 1368; the restated 2011 number is 1505. We have also restated the numbers for civil and family filings in other years; however, the restatements for these categories are statistically insignificant.*

## Figure 2: New Filings by Category in 2012

This chart provides a more detailed breakdown of the new civil, family and criminal proceedings in 2012.



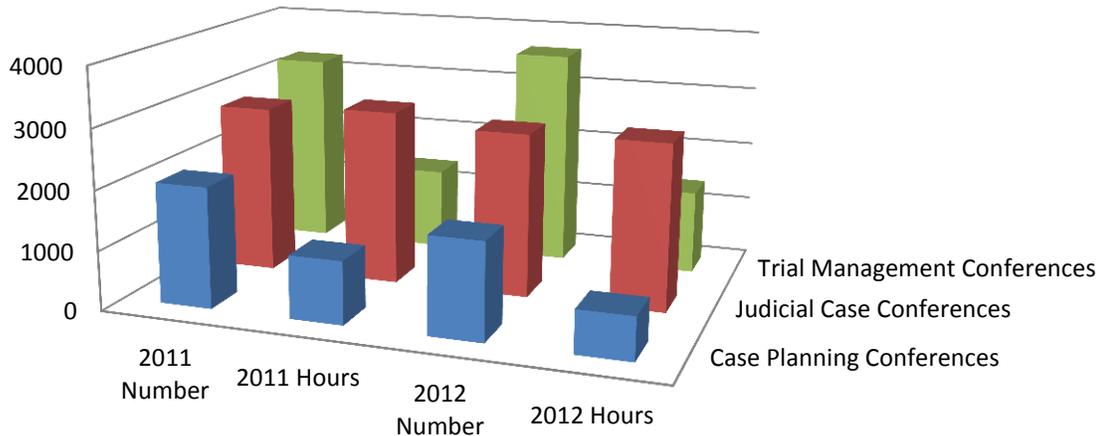
The **Civil** category includes all general civil cases such as motor vehicle, bodily injury, debt collection, breach of contract, foreclosure, bankruptcy, judicial review, *Business Corporations Act* matters and *Adoption Act* proceedings.

The **Family** category includes all *Divorce Act* and *Family Relations Act* proceedings, but does not include *Adoption Act* proceedings.

The **Criminal** category includes all criminal matters such as bail reviews, *Extradition Act* proceedings, and wiretap authorizations.

### Figure 3: Conferences: Types, Number, and Hours

This chart provides the number of case planning conferences (held in civil proceedings), judicial case conferences (held in family proceedings) and trial management conferences (held in both civil and family proceedings).

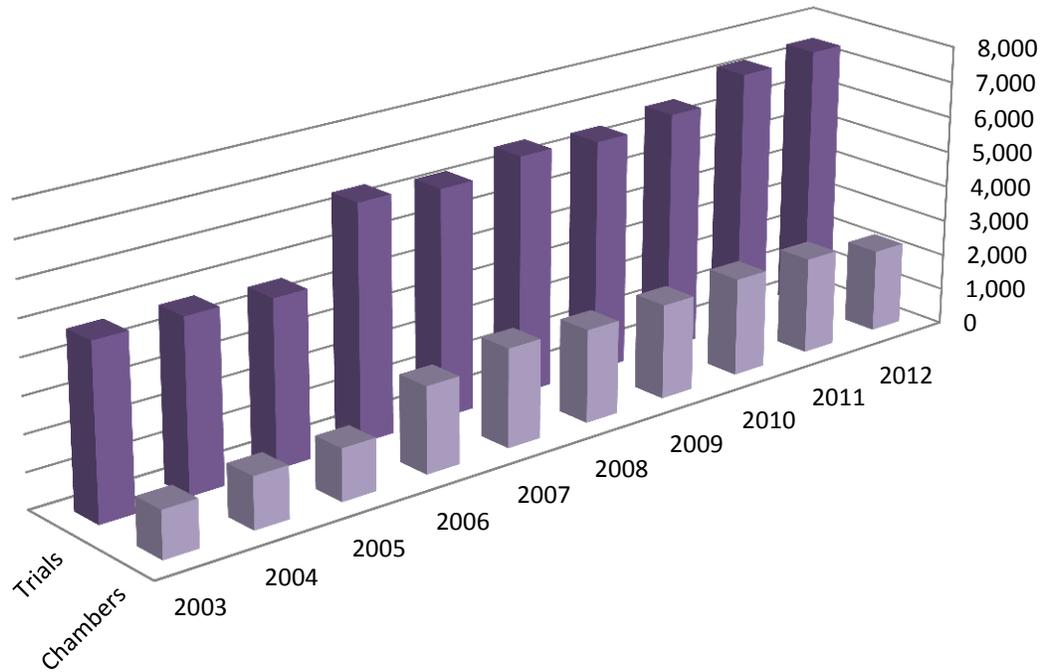


	2011 Number	2011 Hours	2012 Number	2012 Hours
Case Planning Conferences	2028	1055	1620	716
Judicial Case Conferences	2832	2938	2752	2789
Trial Management Conferences	3276	1387	3641	1408

*Note: We have restated the numbers that we published last year because we made some changes to the methodology for data extraction from our system. This has resulted in slightly lower numbers, although the amount of time spent in conferences (i.e., the number of hours) has remained constant. When calculating both the number of conferences and the amount of time for each conference we do not count appearances that took less than 5 minutes.*

**Figure 4: Civil Trials and Long Chambers Applications Scheduled in Vancouver**

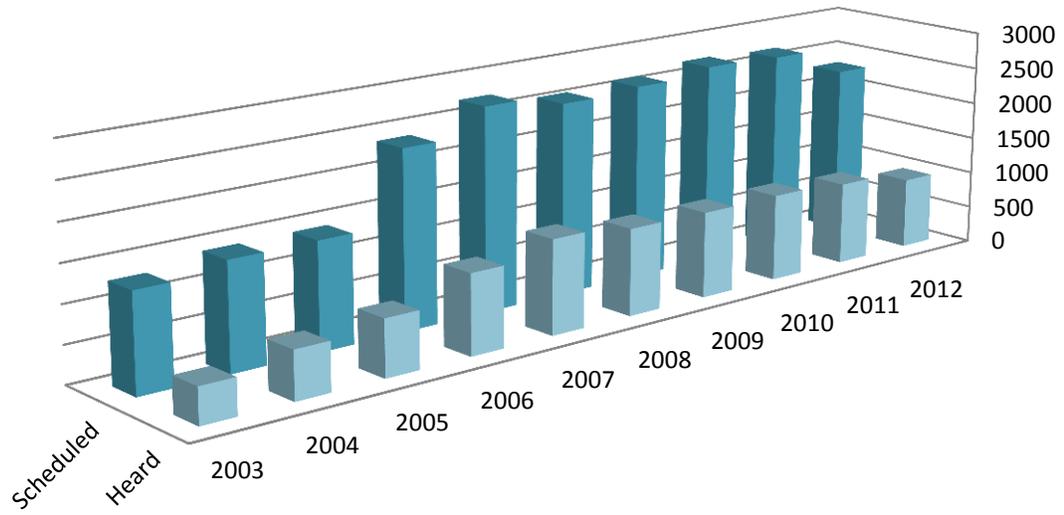
This chart shows the number of civil (including family) trials and long chambers applications scheduled in Vancouver from 2003 to 2012. A long chambers application is one where the time estimate is in excess of two hours.



	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Trials	4,776	4,748	4,584	6,489	6,284	6,601	6,447	6,669	7,283	7,432
Long Chambers	1,302	1,427	1,431	2,383	2,725	2,574	2,620	2,716	2,679	2,301

**Figure 5: Long Chambers Applications Scheduled and Heard in Vancouver**

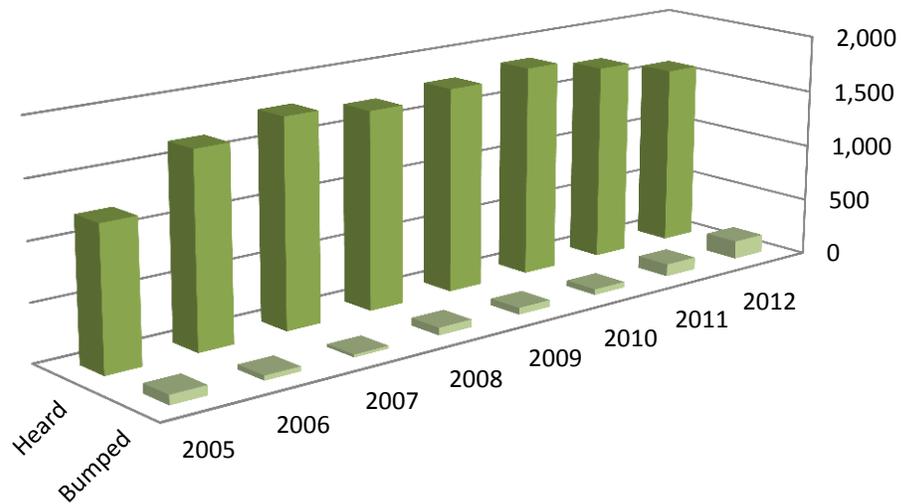
This chart shows the number of civil (including family) long chambers applications scheduled and heard in Vancouver from 2003 to 2012. A long chambers application is one where the time estimate is in excess of two hours.



	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Scheduled	1302	1427	1431	2383	2725	2574	2620	2716	2679	2301
Heard	478	639	754	1066	1259	1163	1152	1162	1106	956
% Heard v. Scheduled	37	45	53	45	46	45	44	43	41	42

**Figure 6: Long Chambers Applications Heard and Bumped in British Columbia**

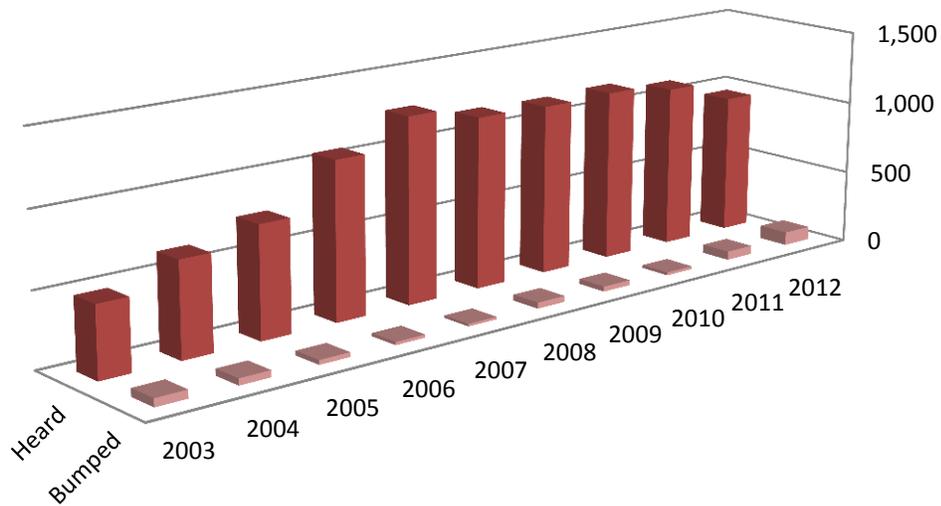
This chart shows the number of civil (including family) long chambers applications heard and bumped in British Columbia from 2005 to 2012. A long chambers application is one where the time estimate is in excess of two hours. A long chambers application is considered bumped if it is not commenced or rescheduled within one week of the originally scheduled hearing date.



	2005	2006	2007	2008	2009	2010	2011	2012
Heard	1,225	1,670	1,800	1,719	1,782	1,843	1,726	1,586
Bumped	84	42	24	66	59	50	108	160
% Bumped v. Heard	6.9	2.5	1.3	3.8	3.3	2.7	6.3	10.1

**Figure 7: Long Chambers Applications Heard and Bumped in Vancouver**

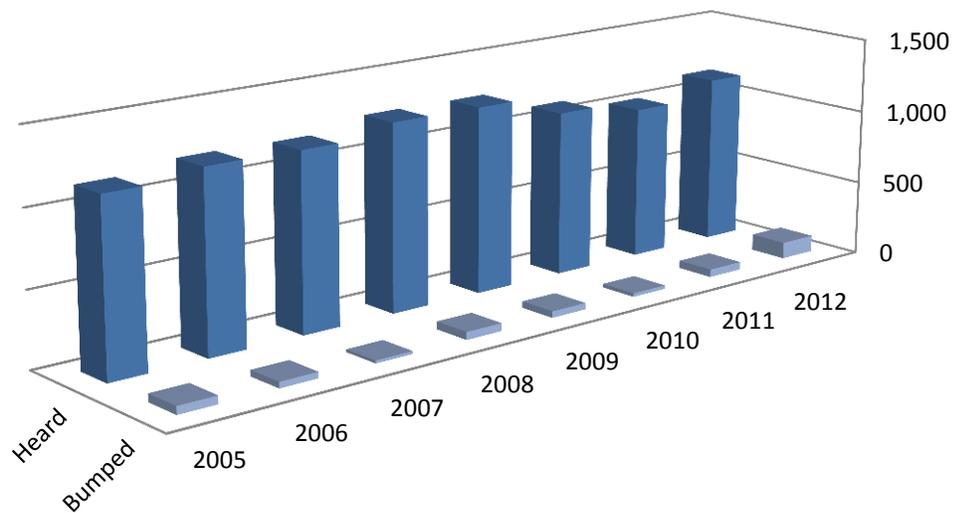
This chart shows the number of civil (including family) long chambers applications heard and bumped in Vancouver from 2003 to 2012. A long chambers application is one where the time estimate is in excess of two hours. A long chambers application is categorized as bumped if it is not commenced or rescheduled within one week of the originally scheduled hearing date.



	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Heard	478	639	754	1,066	1,259	1,163	1,152	1,162	1,106	956
Bumped	56	45	31	21	17	40	34	20	58	91
% Bumped v. Heard	11.7	7.0	4.1	2.0	1.4	3.4	3.0	1.7	5.2	9.5

**Figure 8: Trials Heard and Bumped in British Columbia**

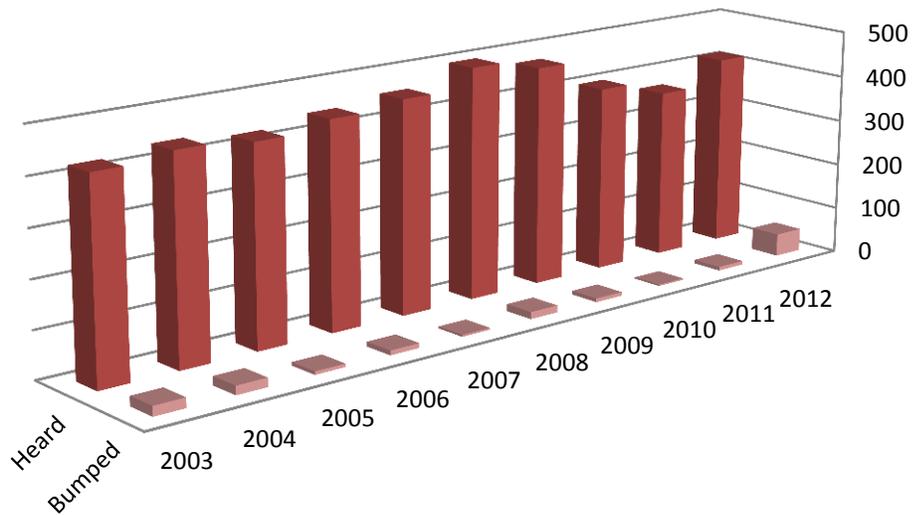
This chart shows the number of civil (including family) trials heard and bumped in British Columbia from 2005 to 2012. A trial is counted as heard in the year in which it commences. A trial is categorized as bumped if it is not commenced or rescheduled within one week of the originally scheduled hearing date.



	2005	2006	2007	2008	2009	2010	2011	2012
Heard	1,146	1,194	1,184	1,252	1,246	1,104	1,025	1,134
Bumped	54	41	19	52	43	24	52	110
% Bumped v. Heard	4.7	3.4	1.6	4.2	3.5	2.2	5.1	9.7

**Figure 9: Trials Heard and Bumped in Vancouver**

This chart shows the number of civil (including family) trials heard and bumped in Vancouver from 2003 to 2012. A trial is counted as heard in the year in which it commences. A trial is categorized as bumped if it is not commenced or rescheduled within one week of the originally scheduled hearing date.



	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Heard	423	436	424	442	456	496	471	400	365	416
Bumped	21	19	7	10	4	15	8	3	8	49
% Bumped v. Heard	5.0	4.4	1.7	2.3	0.9	3.0	1.7	0.8	2.2	11.8

**Figure 10: Trials Heard and Bumped by Type and Location in 2012**

For each Supreme Court registry in four regions, this table shows the number of civil, family, and criminal trials heard and the number of scheduled trials that were bumped. A trial is counted as heard in the year in which it commences. A trial is categorized as bumped if it does not commence within one week of the originally scheduled trial date.

	HEARD 2012				BUMPED 2012			
	Civil	Family	Criminal	Total	Civil	Family	Criminal	Total
<b>LOWER MAINLAND</b>								
Chilliwack	10	7	44	<b>61</b>	2	4	1	<b>7</b>
New Westminster	101	35	59	<b>195</b>	9	1		<b>10</b>
Vancouver	258	91	67	<b>416</b>	42	7		<b>49</b>
<b>VANCOUVER ISLAND</b>								
Campbell River	2	2	6	<b>10</b>				
Courtenay	2		6	<b>8</b>				
Duncan	1		3	<b>4</b>	1			<b>1</b>
Nanaimo	22	9	17	<b>48</b>	4	1		<b>5</b>
Port Alberni			7	<b>7</b>				
Powell River	3	1	3	<b>7</b>		1		<b>1</b>
Victoria	24	17	32	<b>73</b>	3	1		<b>4</b>
<b>NORTHERN INTERIOR</b>								
Dawson Creek			3	<b>3</b>				
Fort St. John	1	3	5	<b>9</b>		1		<b>1</b>
Prince George	6	7	23	<b>36</b>	1			<b>1</b>
Prince Rupert	1		11	<b>12</b>				
Quesnel	1	4	5	<b>10</b>		2		<b>2</b>
Smithers	2	3	11	<b>16</b>				
Terrace	1	1	5	<b>7</b>				
Williams Lake	3		13	<b>16</b>				

	HEARD 2012				BUMPED 2012			
	Civil	Family	Criminal	Total	Civil	Family	Criminal	Total
<b>SOUTHERN INTERIOR</b>								
Cranbrook	4	3	3	<b>10</b>	2			<b>2</b>
Golden	1			<b>1</b>		1		<b>1</b>
Kamloops	20	6	47	<b>73</b>	3	3		<b>6</b>
Kelowna	35	11	19	<b>65</b>	4	2		<b>6</b>
Nelson	4	5	4	<b>13</b>	1	1		<b>2</b>
Penticton	4	1	3	<b>8</b>				
Revelstoke								
Rossland	1	2		<b>3</b>				
Salmon Arm	1	1	3	<b>5</b>				
Vernon	6	1	11	<b>18</b>	11	1		<b>12</b>
<b>TOTAL</b>	<b>514</b>	<b>210</b>	<b>410</b>	<b>1134</b>	<b>83</b>	<b>26</b>	<b>1</b>	<b>110</b>

**Figure 11: Trials Heard By Location in 2012**

This chart provides an illustration of the number of trials by registry, which is detailed in Figure 10.

