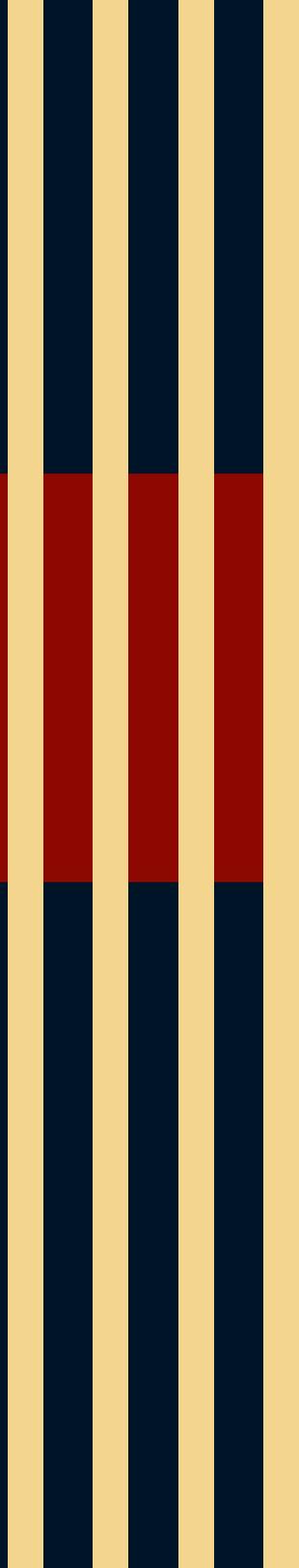
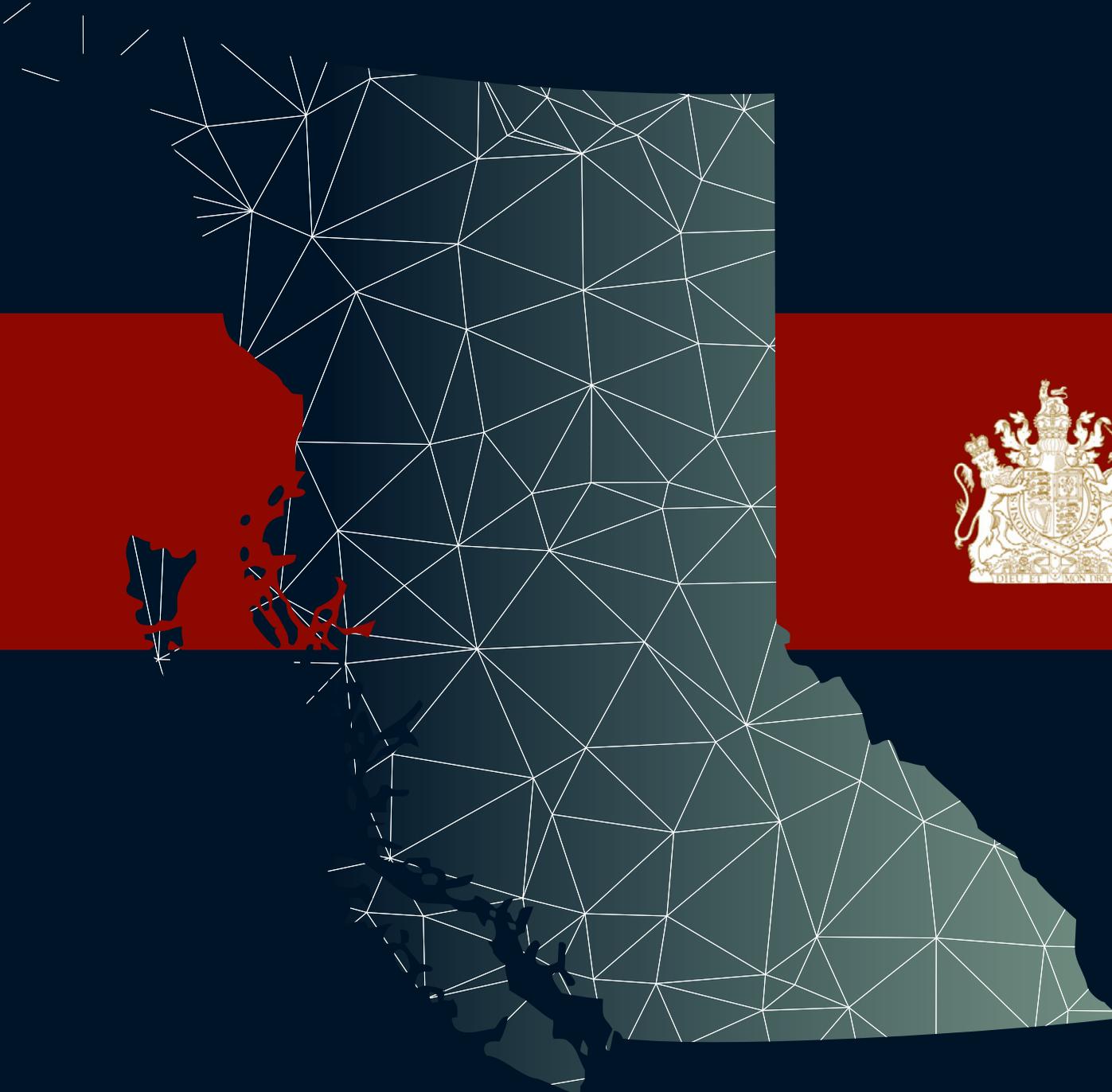




Provincial Court  
of British Columbia  
Annual Report 2022/23



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# Message from the Chief Judge

The 2022/23 fiscal year saw the BC Provincial Court solidify and refine operational changes introduced in the previous two years to maintain and improve access to justice. As this report outlines, we have continued and fine-tuned virtual front-end procedures in family, small claims, and criminal matters. One or more participants attended court remotely in 71% of all criminal, family, and civil Provincial Court appearances this year, although usually not in trials where witnesses testified. Other initiatives like digital desk orders, electronic filing, and electronic access to records have decreased reliance on paper files and supported virtual proceedings.

By saving time, reducing costs, and conveniencing many litigants and lawyers, these changes have moved the Court forward in its efforts to provide an accessible, fair, efficient, and innovative system of justice. Nevertheless, we recognize the barriers some people face in using technology-enabled services. As a result, the Court has maintained flexibility in methods of attending to ensure we accommodate everyone.

It's important to acknowledge that our increased use of technology has required Court Services Branch staff, lawyers, judicial justices, and judges to change the way they work and develop new skills very rapidly. I'm very grateful to all of them for their openness and willingness to adapt as they support the Court in making changes to increase British Columbians' access to justice.

Early Resolution processes in Victoria and Surrey continued to reduce the impact of adversarial proceedings on children and parents in separating families and to reduce the life-long effects of Adverse Childhood Experiences.

Our Indigenous courts contribute to reconciliation and reducing the over-representation of Indigenous people in prison. We have worked collaboratively with First Nations and broader communities on plans to establish a new Indigenous court in Lillooet in 2023. I also had the privilege of participating in a variety of Indigenous ceremonies celebrating First Nations Courts' anniversaries and other events this year.

Communicating with the public and ensuring court users have the information they need has been a priority for me. In 2022 we created "A Judge Explains", a series of videos in which judges answer questions about what to expect and how to prepare for family and small claims conferences and for Indigenous court proceedings. It was gratifying when the Court received a 2022 Canadian Law Blogs Award as the "Best Multi-Platform Presence" in online Canadian legal content.

Collaboration with government departments, legal organizations, and other individuals and groups has been essential to improve access to justice in all these areas. The work needed has often been intense and complex. I appreciate the commitment of everyone involved as we've come together to achieve shared goals for the benefit of the public.



Finally, I feel very fortunate to be part of a tremendous team that includes Associate Chief Judges Paul Dohm and Susan Wishart, five regional administrative judges, Executive Director of Operations Ryan Mahar, the Court's legal counsel, and Integrated Judicial Services managers and staff. I want to thank each of them for their enthusiasm and dedication.

Melissa Gillespie  
Chief Judge

# The Provincial Court of British Columbia

The Provincial Court is a statutory court created by the Provincial Court Act. The BC government appoints judges and judicial justices who exercise powers given to them by laws enacted by the federal and provincial governments.

The Court's mission, vision, core values, and goals express its commitment to providing a forum for justice that:

- is independent, impartial, and consistent
- ensures equal access for all
- maintains respect for the rule of law
- enhances confidence in the administration of justice
- reflects core values of independence, fairness, integrity, and excellence



## The Court's Work

The Provincial Court is one of two trial courts in British Columbia. (The Supreme Court of British Columbia is the other.) Provincial Court trials are usually conducted in person while the majority of bail hearings, conferences, and sentencing hearings are now conducted virtually, with participants using the Microsoft Teams video-conferencing platform.

The BC Provincial Court deals with cases in five main categories:

- **Criminal Matters** - Over 95% of criminal cases in BC are heard in Provincial Court. Under the Criminal Code of Canada, Provincial Court judges conduct bail hearings, preliminary inquiries, pre-trial conferences, trials, and sentencing hearings in criminal matters except for adults charged with murder and a few rare offences such as treason and piracy.
- **Family Matters** - Provincial Court judges conduct trials and mediation conferences in disputes about guardianship of children, parenting arrangements, and child and spousal support under the Family Law Act and other BC statutes as well as in child protection matters under the Child, Family and Community Service Act.
- **Youth Court Matters** - Provincial Court judges deal with young persons aged 12 through 17 who are charged with criminal offences under the Youth Criminal Justice Act.
- **Small Claims Matters** - With some exceptions, the BC Provincial Court deals with civil cases involving from \$5001 to \$35,000.
- **Traffic, Ticket & Bylaw Matters** - The Court's judicial justices hear trials of traffic and bylaw offences, as well as other provincial and municipal offences prosecuted under the Offence Act and the Local Government Act. They also deal with certain federal contravention tickets.

# Judicial Independence Protects Canadians

An independent judiciary protects the public, not just judges. As the [Rule of Law](#) and judicial independence are increasingly threatened in different ways around the world, it is more and more important to understand this cornerstone of democracy.

British Columbia's system of government has three branches: judicial, executive, and legislative. The function of the judicial branch (the courts) is to interpret the law, resolve disputes, and defend the Constitution, including the *Canadian Charter of Rights and Freedoms*. To fulfill this role judges must be distinct from, and operate independently of, all other justice system participants, including the other two branches of government.

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

Every Canadian has the constitutional right to have their legal issues decided by fair and impartial judges. To guarantee the right to an independent and impartial judiciary, the law in Canada has three constitutional protections or "essential conditions" that ensure judicial independence:

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

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

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



# 2022/23 By the Numbers

## Judicial Officers as of March 31, 2023

**127**

full-time judges

**20**

senior judges

**1**

judge sitting part-time

**59**

full-time judges' average age

**52%**

of full-time judges were women

**60%**

of senior judges were men

**7**

judges appointed in 2022/23

**4 + 28**

Full & part-time judicial justices hearing traffic, ticket, and bylaw trials and bail and search warrant applications

**3**

part-time justice of the peace adjudicators hearing simplified civil trials in Vancouver and Richmond

**55**

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

# 2022/23 By the Numbers

## 2022/23 Caseload

133,700 total new cases

80,029 criminal, family, and civil cases heard by judges

53,671 traffic, ticket, and bylaw cases heard by judicial justices

### Justice Centre had:

**20,973**

search warrant and production order applications

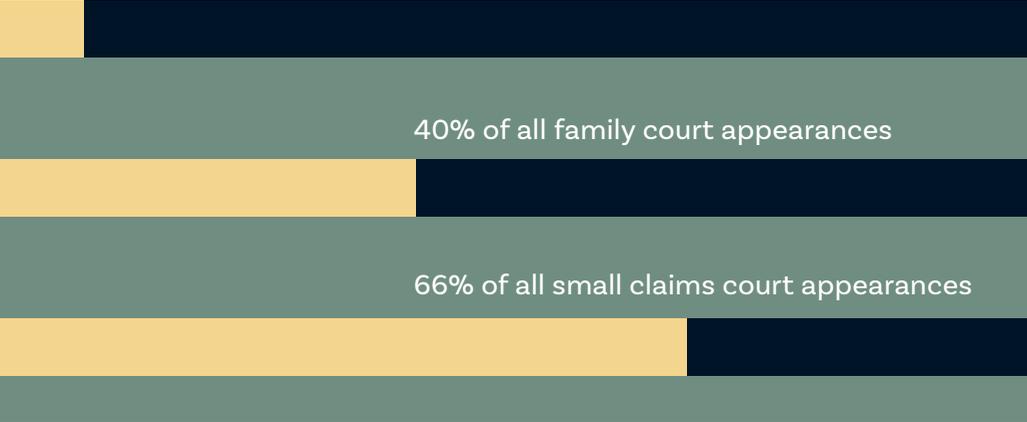
**17,682**

evening and weekend bail hearings

### Self-represented appearances

67,353 total self-represented appearances in criminal, family, and small claims cases

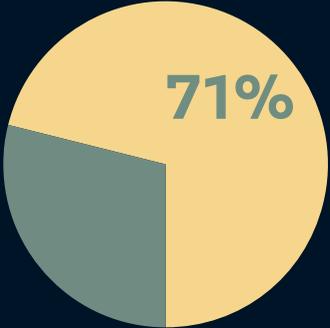
8% of all criminal court appearances



### Remote Appearances

**595,195**

total appearances in criminal, family, and small claims cases



**425,207**

appearances in which at least one participant attended remotely

# Access to Justice Advances in 2022/23

## Virtual Bail Hearings

The Court is using virtual courtrooms for centralized week-day bail hearings in the Northern, Interior, and Vancouver Island regions. Judges, lawyers, and accused persons appear by video-conference. Early results indicate virtual bail hearings are:

- reducing accused people's displacement from their own communities;
- reducing overnight remands in police cells;
- reducing travel for sheriffs, prisoners, and lawyers;
- reducing interruptions to previously scheduled trials; and
- increasing access to duty counsel and other resources.

# Access to Justice Advances in 2022/23

## Virtual Conferences

### Family Management Conferences

When an issue about parenting time, contact time, guardianship, or support needs to go to court, the parties' first appearance is a virtual Family Management Conference. There, a judge can make interim orders to stabilise the situation and case management orders to help prepare for trial.

### Pre-trial Criminal Case Management Conferences

Judges meet virtually with Crown and defence lawyers to determine whether a trial is required and narrow issues. These conferences save court time and help reduce trial delays.

### Small Claims Conferences

Attending Small Claims settlement and trial conferences by video-conference is convenient for most litigants and lawyers, but parties can still apply to attend in person.

### Conclusion

Conducting bail hearings and conferences by video-conference does not just offer court users convenience, it enables the Court to use judicial resources effectively. One judge can preside in matters from several court registries during a day.

# Access to Justice Advances in 2022/23

## Other Technology

### Digital Desk Orders

When a court appearance is not required, judges now review applications for court orders and sign orders electronically, speeding up processing. Among other efficiencies, digital orders can be dealt with by a judge anywhere in BC.

This system saves time and expense for lawyers and litigants. Lawyers report filing and obtaining a consent order in one day without leaving home!

### Electronic Access to Provincial Court Records

With the encouragement and support of the Court, the Court Services Branch of the BC government has worked steadily to digitize court files. Digitized files have facilitated virtual proceedings, and enabled judges, lawyers, and media to access various file records on their computers.

This digitization also increases the Court's resilience. When fire devastated the Golden Law Courts in March 2023, the Court was able to continue its work in other locations using digital records and remote appearances. Just four years ago, destruction of paper files in a fire would have caused serious delays or put an end to many court proceedings.

### Electronic Filing

Provincial Court registries can now accept emailed documents for filing in some matters, saving time and expense for litigants and lawyers. Work is ongoing to enable eFiling directly into files to increase court registries' efficiency.

### Telewarrants

Judicial justices deal with applications for search warrants and production orders at the Court's Justice Centre. In January 2023, Criminal Code amendments expanded the availability of telewarrants. Development of a secure file transfer system (SFTS) to replace faxed or hand-delivered warrant applications enables the Justice Centre to deal more efficiently with increased volume. Submitting applications digitally enables police agencies to save time and expense.

# Access to Justice Advances in 2022/23



provinciacourt.bc.ca



## Communications

In 2022 the Court launched *A Judge Explains*, a series of videos featuring judges explaining what to expect and how to prepare for a variety of family and small claims conferences and Indigenous court proceedings. These videos are available on the Court's website and [Vimeo channel](#).

The Court's continuing commitment to accessibility and transparency was recognized when it received the *2022 Canadian Law Blogs Award* ("Clawbie") for the *Best Multi-Platform Presence*. The Clawbies judges commented:

"In the notoriously reserved world of courts, the Provincial Court of BC has long been a trailblazer when it comes to accessibility and transparency online. The Court has been doing a commendable job at proactively educating and interacting with British Columbians. You may remember their groundbreaking #A2JChatBC Twitter town hall, which won a Clawbie in 2019.

Today, the Provincial Court of BC offers a wide variety of resources in various mediums and on multiple platforms, to reach people wherever they are. Content is created not just to educate, but to interest and engage (e.g. "What podcasts do you listen to, Judge?"; "Why did Provincial Court judges draw lots to decide municipal elections?")

The Court's website and other public materials are written with the principles of plain language in mind. From its robust website to its eNews service (previously a Clawbies winner), to its friendly and approachable Twitter account @BCProvCourt, podcasts in partnership with Legal Listening, and videos on Vimeo, the Court embraces new types of content, formats and mediums. When it comes to online presence, courts everywhere would do well to take a page from the Provincial Court of BC's book."

**Clawbies**  
Canadian Law Blog Awards

**2022**

Best Multi-Platform  
Presence

**2019**

Best Blogs &  
Commentary

Best A2J Resources

# Judicial Officers

In addition to their usual work, in 2022/23 all the Court's judicial officers (judges, judicial justices, justices of the peace, and judicial case managers) and staff continued to learn and perfect new skills necessitated by technological advances like virtual hearings and digital court orders.

## Chief Judge

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

In addition to overseeing the Court's judicial officers, the Chief Judge supervises staff at the Office of the Chief Judge (OCJ), and judicial administrative assistants around the province, administers a budget, facilitates continuing education for all judicial officers, acts as presiding member of the **Judicial Council of British Columbia**, and speaks frequently at programs for the public, lawyers, and judges.

## Associate Chief Judges

The Honourable Susan Wishart and the Honourable Paul Dohm continued as the Court's **Associate Chief Judges** in 2022/23.

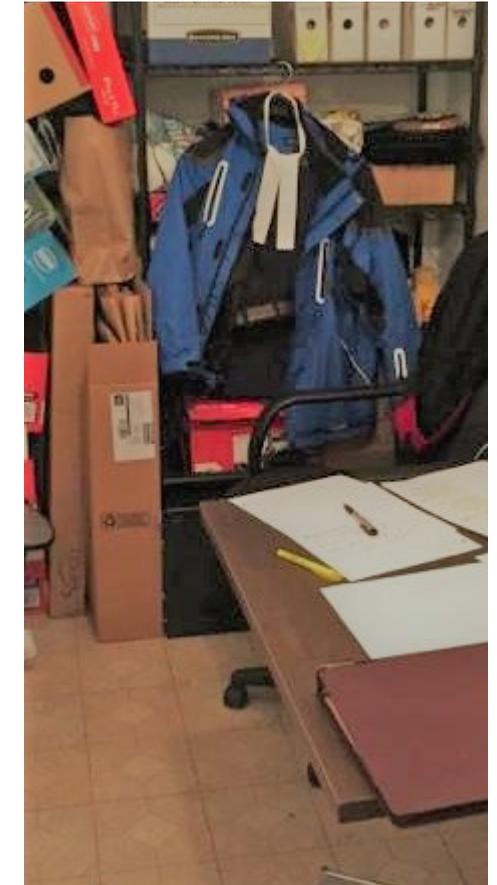
Associate Chief Judge Dohm's responsibilities included regional operations, scheduling, criminal law reform, the judicial justice division, and the Justice Centre. Associate Chief Judge Wishart's responsibilities included family and civil law reform, technology, specialized courts, and business intelligence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

## Regional Administrative Judges

The Lieutenant Governor in Council **designates Regional Administrative Judges** for each of the Court's judicial regions on the recommendation of the Chief Judge. In 2022/23 these judges served in that capacity:

- the Honourable Carmen Rogers (Vancouver Island)
- the Honourable John Milne (Vancouver)
- the Honourable Rita Bowry (Fraser)
- the Honourable Marguerite Shaw until August 15, 2022; then the Honourable Gregory Koturbash (Interior)
- the Honourable Victor Galbraith until April 30, 2022; then the Honourable Calvin Struyk (Northern)

The Court's website contains a **map** showing the five judicial regions.



Judges adapt to temporary offices in some circuit court locations

## Provincial Court Judges

The Lieutenant Governor in Council appoints Provincial Court judges on the recommendation of the Judicial Council of BC. The Judicial Council's annual reports provide details of the appointment process, applicants' demographics, and analysis of application trends, while this report includes details of judicial appointments and demographics.

Judges conduct trials and other proceedings in criminal, youth, family, and civil matters in more than 80 court locations in British Columbia. They also perform judicial mediation in family and civil settlement conferences. When not presiding in court they research and write reserved decisions, keep current by reading the law, and consider complex applications for warrants. They also volunteer their time for court committees, speaking engagements, and other activities contributing to the justice system.

When appointed, each judge is assigned to a region, with an office ("chambers") in one courthouse. Most judges travel regularly to work in other court locations in their region, and sometimes to other regions.

Most Provincial Court judges work full-time. However, judges aged 55 or older with at least ten years of service may choose to hold office as a part-time "senior judge".

See Judges by Region for a current list of judges.

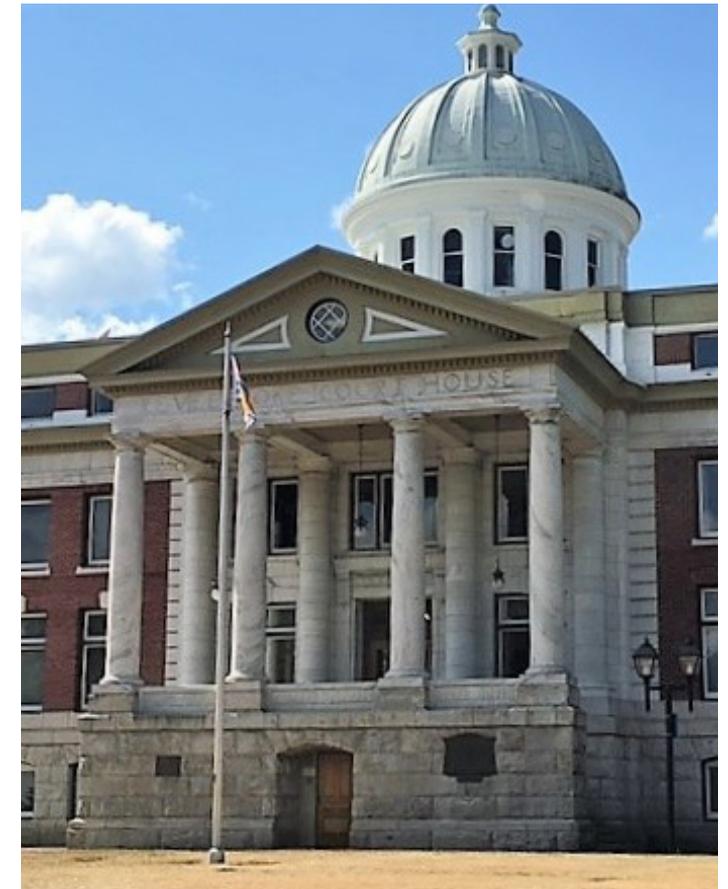
## Administrative Judicial Justices

Administrative Judicial Justice Lori Plater is responsible for the Court's Traffic Division, which includes hearings of traffic, by-law, cannabis, Covid measures, and other tickets, as well as small claims payment hearings. Administrative Judicial Justice Gerry Hayes is responsible for criminal matters at the Justice Centre.

## Judicial Justices

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

Find a current list of judicial justices on the Court's website.



Revelstoke Law Courts

*Photo by Grant Marchand*

## Justice of the Peace Adjudicators

The Court has three justice of the peace adjudicators. They are senior lawyers appointed on a part-time (per diem) basis under the [Provincial Court Act](#) to hear civil cases having a monetary value from \$5,001 to \$10,000 in the Robson Square and Richmond courthouses. They are listed on the Court's [website](#).

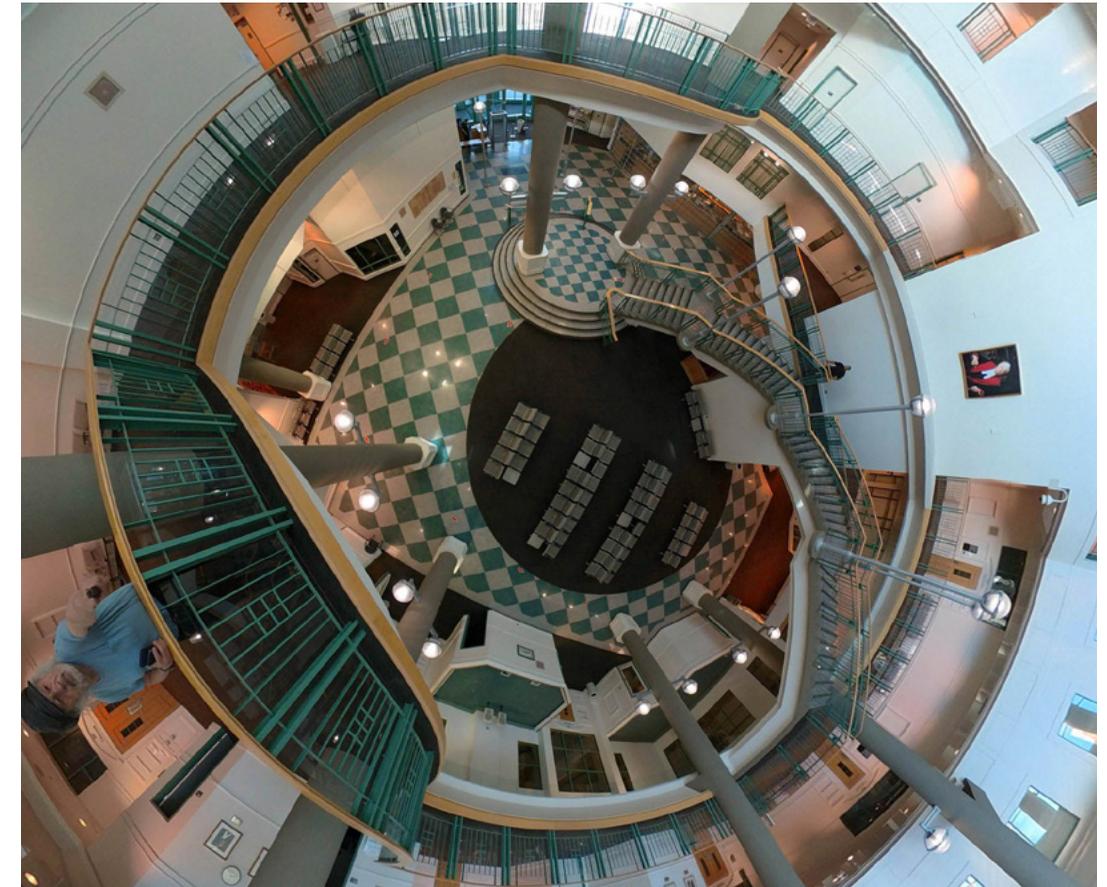
## Judicial Case Managers

Judicial case managers (JCMs) are justices of the peace who exercise judicial discretion and authority within their assigned duties. As of March 31, 2023, there were 38 full-time, nine part-time, and eight auxiliary judicial case managers.

Some judicial case managers work both remotely and in person within courthouses, managing the flow of Provincial Court appearances in rapidly changing circumstances. They schedule matters skillfully to minimize delays and facilitate access to justice. They also manage the scheduling of six new virtual bail courts in the Northern, Vancouver Island, and Interior regions. They work closely with stakeholders to ensure these courts operate efficiently and effectively.

Judicial case managers preside virtually in Initial Appearance Courts, meeting the challenges of “hybrid” proceedings in which they and the Crown and defence lawyers sometimes appear remotely while some self-represented persons appear in person. In BC’s seven busiest courthouses, they also preside in Assignment Courts.

In addition, judicial case managers are an important source of information for litigants, lawyers, sheriffs, and court staff about Court operations. They continue to play a crucial role in informing stakeholders about operational changes due to weather extremes, flood, and fires.



Prince George Law Courts  
Photo by David W. Greenberg

# Education

In 2022 the Court resumed in-person education programs for judicial officers and staff and supplemented them with virtual education programs.

## Judges' Education

The Judges' Education Committee strives to enhance judicial awareness and competency through practical education that recognizes social context. Committee members are judges who volunteer their personal time to ensure that British Columbia remains a leader in judicial education. In addition to presenting two education conferences for the Court, in 2022/23 the committee began several new projects.

The judges' spring 2022 conference focussed on the conduct of a sexual assault trial. Presentations covered topics including pre-trial applications, defences, credibility, vulnerable persons, and myths and stereotypes. The fall conference offered updates in the areas of family, criminal, and civil law. Other presentations touched on the media and public confidence in the justice system, race and cultural assessments, and the *Charter of Rights*.

The Court provided additional education to judges, including:

- Education programs at each region's annual meeting
- Judgment Writing workshop in May 2022
- Criminal Law Boot Camp in May 2022
- Family Law Boot Camp in December 2022
- Technical training on using their digital workspace to manage multiple screens and several applications while presiding in court
- Hands-on training in new desk order processes enabling applications to be considered and orders to be signed digitally
- Webinars on using legal research platforms
- Written updates on legislation and case law prepared by the Court's Law Committees and legal counsel

Judges also attended education programs and used the educational resources offered by the [National Judicial Institute](#) and other organizations.



Judicial education conference

*Photo by Christine Robb*

## Judicial Justices' Education

The Court's education for judicial justices includes structured presentations at spring and fall conferences, self-directed attendance at online courses, and training for newly appointed judicial justices who come from varied legal backgrounds with different educational needs. New judicial justices are provided with online training materials and they shadow mentoring colleagues during an orientation period.

Judicial justices attended the Court's two 2022 education conferences in person. Topics at the spring conference included judgment writing, evidence issues, tracking warrants, use of drones for traffic enforcement, and Indigenous colonial experiences. Fall conference topics included legislative updates, sealing orders, production orders for banking data, and courtroom security issues.

Judicial justices conduct independent legal research on current issues and monitor developing case law and statutory amendments. Their regular practice of sharing findings with all colleagues fosters discussion and prompts dissemination of information.

Judicial justices have continued to demonstrate impressive flexibility and willingness to learn when faced with advances in technology, uneven provision of courtroom equipment, and operational changes. In 2022/23 they undertook intensive training on new technology including use of their digital workspace, management of virtual bail hearings using Microsoft Teams, and electronic signature procedures for telewarrants.



Judicial justices and IJS staff continue discussions during a program break

*Photos by Administrative Judicial Justice Gerry Hayes*

## Staff Education

The Court's employees include judicial administrative assistants (JAAs), judicial case managers (JCMs), and staff at the Office of the Chief Judge, collectively known as Integrated Judicial Services (IJS). Their annual training included:

- a two-day education conference annually for judicial case managers
- a two-day education conference held biennially for judicial administrative assistants
- regional conference calls and regular virtual training and refresher sessions for judicial administrative assistants on technology and procedure
- review of the Standards of Conduct and Oath of Employment
- information management: access, security, privacy, and records management
- fraud awareness and prevention
- additional Public Service Agency training to enhance and update skills

Strong peer support, including mentorship and open communication, helps the Court's employees maximize their effectiveness and efficiencies.



Judicial education conference

*Photo by Christine Robb*



Travelling to Haida Gwaii  
*Photos by judicial intern Ezra Rosas*

# Community Engagement

BC Provincial Court judges devote countless hours of their own time to speaking and teaching about the Court and the law, serving on justice organizations' boards, and other volunteer activities. They volunteer for committees, mentoring, and education programs within the Court. They regularly attend ceremonies to swear in police recruits, municipal councils, and groups like the Vancouver Board of Trade, and speak to service clubs and other community groups.

In 2022/23 judges spoke to international audiences including:

- The International Organization for Judicial Trainers Conference
- The National Gender Commission of the Judiciary of Colombia
- The International Association of Women Judges' Afghan women judges' discussion group
- The Colombian Judiciary
- The University of South Pacific in Vanuatu
- The Association of Family and Conciliation Courts Conference

Their national audiences included:

- Canadian Association of Provincial Court Judges New Judges Program
- New Judges Education Program for federally appointed judges
- Manitoba Provincial Court Education Conference
- Northwest Territories Bar Association Reconciliation event
- Canadian Institute for the Administration of Justice Judging in Your First Five Years Program
- Alternate Dispute Resolution Institute of Canada (ADRIC)

At universities, colleges, and schools judges spoke to:

Elementary and secondary school classes

Law 12 classes

Camosun College criminology classes

Simon Fraser University Criminology Students Association

University of Victoria, University of British Columbia, and Thompson Rivers University classes including in faculties of education, social work, and nursing



**Evening with Women Judges at the University of Victoria Faculty of Law**

Justice Veronica Jackson, Judge Shehni Dossa, Judge Karina Sacca, Associate Chief Judge Susan Wishart, Professor Rebecca Johnson

Judges' contributions to law schools included:

- Teaching family law, ethics, and sentencing at Thompson Rivers University Law School (TRU)
- Teaching trial Advocacy and an Advocacy lab at Allard Faculty of Law (Allard)
- Participating in moot courts at TRU and Allard
- Speaking to the TRU Woman Lawyers Forum
- Speaking to a Carleton University Restorative Justice class
- Speaking to the Innocence Project at Allard
- Speaking on Charter Essentials for Investigators at Osgoode Hall Law School
- Organizing An Evening with Women Judges at the University of Victoria Faculty of Law

Their contributions to legal and professional education included:

- Serving on the planning committee, faculty, and/or as mentors for Inns of Court programs to train lawyers in Surrey, Vancouver, and Kamloops
- Participating in Courthouse Libraries BC webinars including on Family Court Rules and Forms and on Ethics
- Serving on the Langara University College Criminal Justice Advisory Committee
- Participating in a mock trial to demonstrate the Informal Family Trial pilot
- Speaking at a variety of Continuing Legal Education BC (CLE) programs
- Speaking at training programs for Major Crime Investigators and BC Conservation Officers
- Speaking to articulated students at the Everyone Legal Clinic
- Speaking to The Advocates' Club



Judge Alexander Wolf swearing in Tla-o-qui-aht First Nation Council | May 16, 2022

Judges served as members and chaired committees and boards including:

The Law Foundation of BC Board of Governors

The Restorative Justice Association of BC

Family Court Users Committees

Vancouver Island University's Research Ethics Board

Editorial Board for the CLE BC Family Practice Manual

Access Pro Bono Board

The BC and Canadian Associations of Provincial Court Judges

Mid Island Performing Arts Festival



New Aiyansh court location

*Photo by Judge Linda Thomas*

# Office of the Chief Judge and Governance

The Court has its administrative headquarters, called “the Office of the Chief Judge” (OCJ), in the Robson Square courthouse in downtown Vancouver.

In December 2022 the Court adopted Integrated Judicial Services (IJS) as the collective name for its employees province-wide - judicial case managers, judicial administrative assistants, and employees at the Office of the Chief Judge. Using focus groups, employees collaborated to recommend a new name that would depict the broad spectrum of work they do and include everyone, no matter where in BC they work.

## Governance

The Chief Judge is responsible for the administration of the Court. The IJS’s primary function is to provide administrative support to the Chief Judge and judicial officers in the exercise of their duties. Under the Chief Judge’s direction, the IJS is also responsible for the Court’s communications with individuals and organizations, including media and government agencies.

The Court’s Associate Chief Judges, Regional Administrative Judges, Administrative Judicial Justices, and Executive Director of Operations assist with the Court’s administrative work as members of one or more of four administrative committees: the Governance, Judicial Administration, Judicial Justice Administration, and Executive Operations Committees.

Find more information on the Court’s governance, committees, and the functions of the IJS at Governance on the Court’s website.



**Judicial Administration Committee 2022/23 (front row: Regional Administrative Judge Calvin Struyk, Regional Administrative Judge Carmen Rogers, Chief Judge Melissa Gillespie, Regional Administrative Judge John Milne, Associate Chief Judge Sue Wishart; back row: Regional Administrative Judge Gregory Koturbash, Judicial Coordinator Rebecca Jensen (secretariat), Regional Administrative Judge Rita Bowry, Senior Legal Counsel Caroline Berkey, Legal Counsel Karen Leung, Legal Counsel Daniel Kozera; Associate Chief Judge Paul Dohm pictured bottom left; Executive Director Ryan Mahar pictured bottom right)**

## Law Committees

The Court has three committees composed of judges who volunteer their time to advise the Chief Judge on issues related to areas of law affecting the Court’s work.

The Civil Law Committee updates judges on areas of substantive and procedural law. In 2022/23 it developed a “picklist” of procedural orders commonly made in small claims court. Committee members served as faculty in judicial education programs on changes to the Small Claims Rules and contract law topics.

The Family Law Committee continued to provide advice and feedback on new *Provincial Court Family Rules*, *Provincial Court (Child, Family and Community Service Act) Rules*, and associated forms, and on other procedural matters. It provided updates to judges on family court issues, including tips on managing technological advances like electronic desk orders. The committee also delivered a Family Law Boot Camp, a two-and-a-half-day workshop for newly appointed judges, in December 2022. In addition, it continued to update the family court picklist and worked on a new picklist for child protection matters. Committee members were sought-after speakers in judicial and legal education programs.

The Criminal Law Committee’s activities include advising the Chief Judge on a wide variety of issues and updating judges on statutory amendments and new case law. In 2022/23 it refreshed the picklists of wording for common bail and sentencing orders and drafted picklists for youth court orders. Committee members also participated in judicial education programs and presented the Criminal Law Boot Camp for recently appointed judges.



Heading north from Dawson Creek

*Photo by Judge Gurmail Gill*

# Specialized and Indigenous Courts

The BC Provincial Court operates eight Indigenous criminal sentencing courts and an Aboriginal Family Healing Court that conducts supportive child protection case conferences in a culturally safe environment for Aboriginal families.

The Court also operates four specialized courts:

- a Community Court in downtown Vancouver
- two integrated sentencing courts (in Victoria and Kelowna)
- a Drug Treatment Court in Vancouver

as well as local courts dealing with domestic violence.

These courts are described on the [Specialized and Indigenous Courts pages](#) of the Provincial Court website.

Highlights during 2022/23 included the first graduation ceremony held by the Hazelton Indigenous Court after its opening in 2021. On October 31, 2022 elders presented graduates with custom-made Hazelton Indigenous Court jackets to acknowledge their accomplishments. Participants and elders joined other community members for lunch after the ceremony.

2022 saw an increase in the number of more serious charges being referred to the New Westminster First Nations Court, BC's oldest Indigenous court, by federal and provincial prosecutors. The Court was able to increase sitting days early in 2023 to twice a month when the availability of funding from Legal Aid BC for Elders and duty counsel increased. As a result, the number of new clients and graduations are increasing. Sitting days also increased in Duncan and North Vancouver First Nations and Indigenous Courts from 12 to 18 sittings per year starting in 2023.

Also opened in 2021, the Kelowna Integrated Court continued to grow, with ever-increasing referrals from lawyers, judges, and the community and regular participation by many helping agencies and community partners.

As COVID-related restrictions were lifted in 2022, all our specialized courts resumed more in-person programs and developed exciting new partnerships and programs. The collaboration and dedication of staff members, partner agencies, lawyers, and judges is vital to the work of these courts.



Hazelton Indigenous Court participants pose for a photo



Hazelton Indigenous Court Celebration | September 16, 2022  
*Photos by Andrew Hanna and Sharon MacGregor*



Hazelton Indigenous Court Celebration | September 16, 2022  
Photos by Andrew Hanna and Sharon MacGregor

# Circuit and Remote Courts

Some smaller BC communities don't need a full-time court operating five days a week. Provincial Court judges serve these communities by travelling to them regularly to hold court for a day to a week, depending on local needs. Judges, sheriffs, court staff, and lawyers travel by float plane, boat, or four-wheel drive vehicle to reach the more remote communities. These trips are called "circuit courts" because the judge sometimes makes a circuit, holding court in several communities during a week. Hearings may take place in community halls, recreation centres, or other facilities that can act as a courtroom.

Many circuit courts are held in remote Indigenous communities where judges engage with First Nations; learn their history, culture, traditions, and hopes for the future; and incorporate restorative justice, reconciliation, and healing in sentencing. Judges are inspired by the communities they serve in circuit courts and honoured by the warm welcome they often receive.



Atlin



Atlin  
Photos by Judge Gurmil Gill



Atlin court location

# Judicial Complement

Judicial complement refers to the number of judicial full-time equivalents (JFTEs<sup>1</sup>) available to the Provincial Court. This is distinct from the number of judges, as some work part-time. As of March 31, 2023, there were 127 full-time judges (FT), 20 senior judges, and one judge sitting part-time in the Provincial Court. This equates to a complement of 136.33.

During the 2022/23 fiscal year:

- seven judges were appointed;
- 14 judges retired; and
- nine judges elected to participate in the Senior Judges’ Program<sup>2</sup>.

Changes to the Provincial Court’s complement are reported monthly in a **Judicial Complement Report** on the Court’s website. Figure 1 lists the judges appointed and Figure 2 lists those who retired or chose to sit part-time as senior judges during 2022/23.

Figure 1 - Judges Appointed in 2022/23

Judge	Judicial Region	Date
Judge Hodge	Vancouver Island	25-July-22
Judge Cronin	Fraser	26-Jul-22
Judge Ruse	Interior	27-Jul-22
Judge Hinkson	Fraser	18-Nov-22
Judge Jung	Interior	01-Dec-22
Judge Simpkin	Northern	01-Dec-22
Judge Oh	OCJ	03-Jan-23

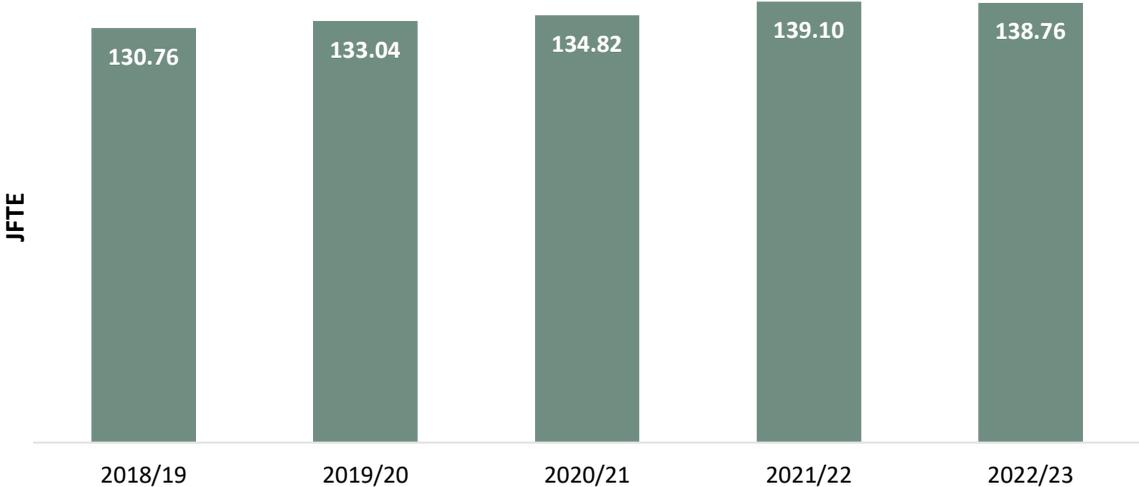
1. JFTE is calculated based on the number and status of Provincial Court judges. Full-time judges are counted as 1, senior judges are counted as 0.45, and any part-time judges are counted according to their sitting time as a proportion of a full-time judge. Complement numbers do not include judges on long term disability.
2. This program allows judges 55 years or older with at least ten years’ service to continue sitting on a part time basis.

**Figure 2 - List of Judges Who Retired or Elected to Sit Part-Time as of March 31, 2023**

Judge	Judicial Region	Date	Reason
Judge Giardini	Vancouver	01-Apr-22	Retirement (Senior Judge)
Judge Galbraith	Northern	29-Apr-22	Retirement
Judge Chen	Vancouver	30-Apr-22	Retirement (Senior Judge)
Judge McKimm	Vancouver Island	01-May-22	Senior Judge Election
Judge Higinbotham	Vancouver Island	10-Jun-22	Retirement (Senior Judge)
Judge Crockett	Vancouver Island	30-Jun-22	Retirement
Judge Janzen	Vancouver	30-Jun-22	Senior Judge Election
Judge Burgess	Vancouver	07-Jul-22	Retirement (Senior Judge)
Judge Morgan	Interior	22-Jul-22	Retirement (Senior Judge)
Judge Shaw	Interior	31-Jul-22	Senior Judge Election
Judge Cleaveley	Interior	26-Aug-22	Retirement (Senior Judge)
Judge Dhillon	Vancouver	31-Aug-22	Senior Judge Election
Judge Meyers	Vancouver	31-Dec-22	Retirement (Senior Judge)
Judge Smith	Interior	31-Dec-22	Retirement (Senior Judge)
Judge Steinberg	Fraser	31-Dec-22	Retirement (Senior Judge)
Judge Werier	Vancouver	31-Dec-22	Retirement (Senior Judge)
Judge Shaw	Interior	31-Dec-22	Retirement (Senior Judge)
Judge Webb	Vancouver Island	31-Dec-22	Retirement (Senior Judge)
Judge Brown	Fraser	31-Jan-23	Senior Judge Election
Judge Dossa	Fraser	31-Jan-23	Senior Judge Election
Judge Challenger	Vancouver	01-Mar-23	Senior Judge Election
Judge Jackson	Northern	01-Mar-23	Senior Judge Election
Judge Mrozinski	Vancouver Island	01-Apr-23	Senior Judge Election

The monthly Judicial Complement Reports represent a snapshot in time, which can be influenced by the timing of appointments or retirements. Average daily complement, calculated over the course of a year, is less likely to be affected in this way and can provide a more accurate gauge of complement over time. The average daily complement for 2022/23 was 138.76.

Figure 3 - Average Judicial Complement, 2018/19 - 2022/23



## Demographics of Judges

### Age

As of March 31, 2023, most Provincial Court judges were between the ages of 50 and 64, with an overall average age of 61 years and median age of 60 years, as in the previous year.

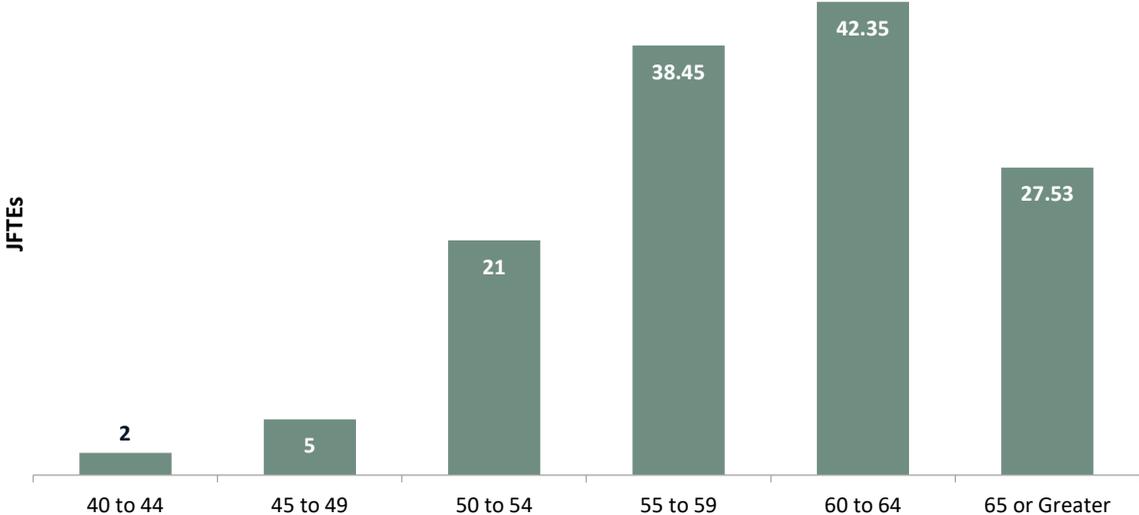
The average age of full-time judges was 59, while the average age of senior judges was 67. Figure 4 shows full-time and senior judges’ average ages by gender.

Figure 4 - Average Ages of Full-Time and Senior Judges by Gender

Gender	Full Time	Senior	Total
	#	#	#
Male	60	67.9	61.3
Female	58.8	66.7	59.7

Figure 5 shows JFTEs<sup>3</sup> by age category.

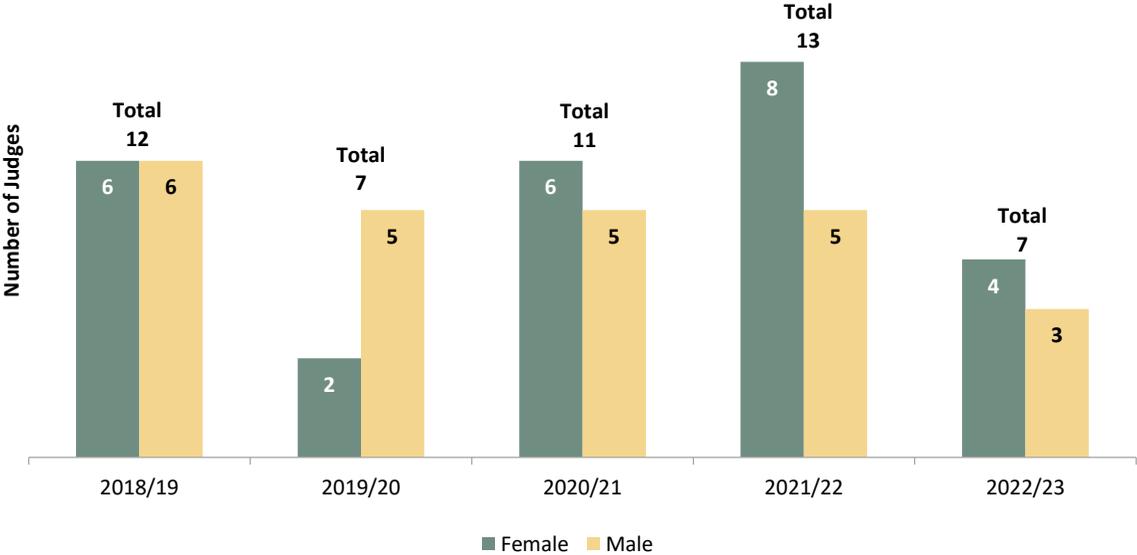
Figure 5 - JFTE by Age Category



### Gender

Of the 50 judges appointed during the past five fiscal years, just over half (26) have been women.

Figure 6 - Judges Appointed by Gender and Year of Appointment



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

**Figure 7 - Percentage of Judges by Gender and Status<sup>4</sup>**

Gender	Full Time		Senior		JFTE	
	#	%	#	%	#	%
Female	66	52%	8	40%	69.93	51.3%
Male	61	48%	12	60%	66.40	48.7%

As of March 31, 2023, the distribution of active<sup>5</sup> female (74) and male (73) judges was almost equal. A greater proportion of active male judges currently sit as seniors (16% vs. 11% of active female judges).

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

4. The number of judges is as at March 31, 2023. The (female) part-time judge is not included in this table.  
 5. The term “active” excludes judges on long term disability.

**Demographics of Judicial Justices**

Figure 8 outlines the complement of judicial justices (JJs) as of March 31, 2023, including four full-time and 28 who work in a part-time (ad hoc or per diem) capacity. Of the total complement of 32<sup>6</sup>, there are 18 female and 14 male judicial justices.

**Figure 8 - Gender Distribution of Judicial Justices, 2022/23**

Gender	Full-Time		Part-Time	
	#	%	#	%
Female	1	25%	17	60.7%
Male	3	75%	11	39.3%

**Figure 9 - Changes in Judicial Justices’ Complement in 2022/23**

Judicial Justice	Reason	Date
Judicial Justice Dodwell	Retirement as Full-Time	31-May-2022
Judicial Justice Dodwell	Appointment as Part-Time	01-Jun-2022
Judicial Justice Bowes	Retirement	30-Jun-2022
Judicial Justice Afsar	Appointment as Part-Time	26-Jul-2022
Judicial Justice Schwartz	Retirement	31-Aug-2022

6. This does not include two judicial justices on LTD.

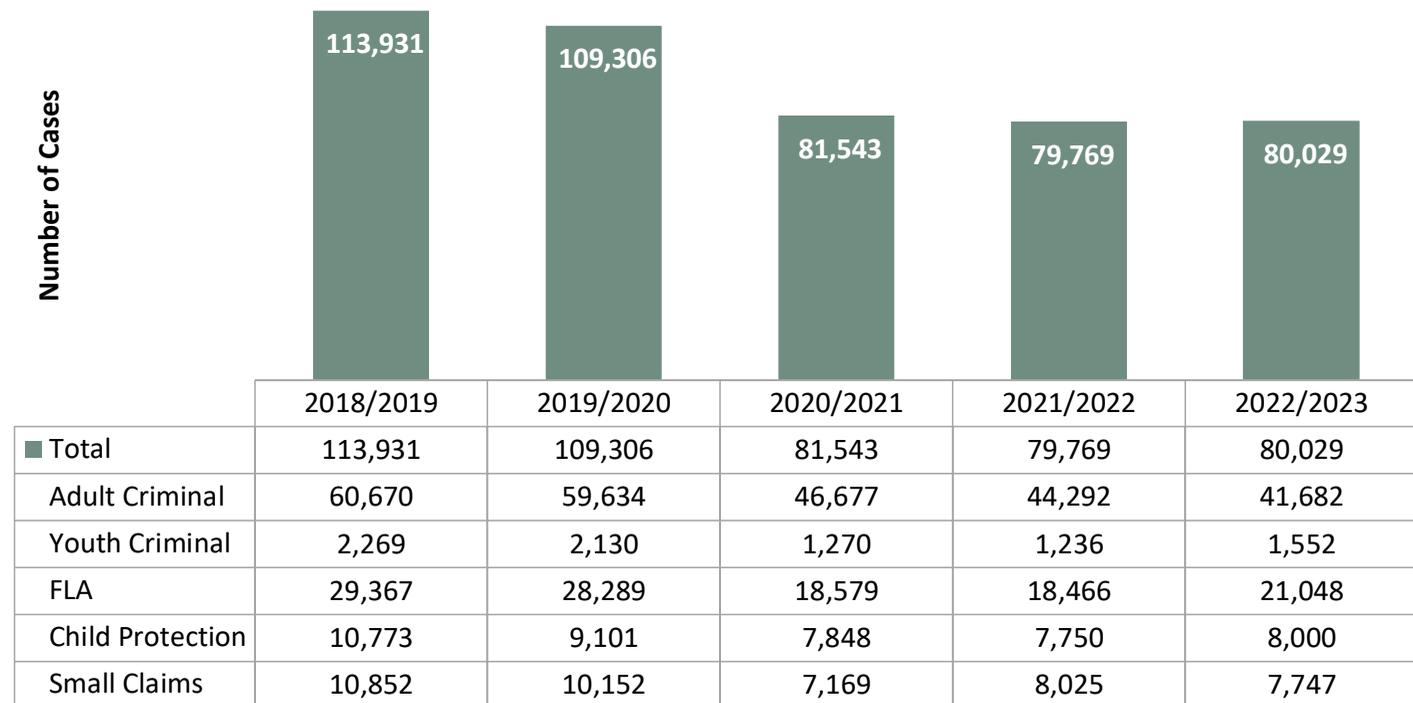
# The Court's Caseload

## New Cases by Division

Excluding traffic and bylaw matters usually dealt with by judicial justices, there were 80,029 cases initiated in the Provincial Court of British Columbia in 2022/23.<sup>7</sup> These numbers are consistent with the previous year. Figure 10 shows Provincial Court caseloads over the last five years.<sup>8</sup>

Caseload volumes have declined in all divisions between 2018/19 and 2022/23. However, since 2020/21, the caseload volume has remained relatively stable. Notably, the number of adult criminal cases decreased by 6% compared to last year and is at its lowest point over the past five years. The number of new *Family Law Act* cases increased by 14% compared to the last fiscal year. However, data from 2020 through 2022 should be interpreted with caution due to the temporary suspension of some court operations during the COVID-19 pandemic.

Figure 10 - New Cases by Division, 2018/19 - 2022/23



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

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

Excluding traffic and bylaw matters, criminal cases have made up over half of the Court's new caseload volume over the past five years, family cases have made up a third, and small claims cases about a tenth. This distribution is consistent with the pre-pandemic caseload volume.

## New Cases by Division

### Criminal

Adult criminal cases have steadily decreased over the past five years. Youth criminal cases have increased by 26% since last year; however, these numbers are lower than the pre-pandemic volume of youth criminal cases. However, data from 2020 through 2022 should be interpreted with caution due to the temporary suspension of some court operations during the COVID-19 pandemic.

### Family

Most family cases in the Provincial Court are governed by either the *Child, Family and Community Service Act (CFCSA)* or the *Family Law Act (FLA)*. In 2022/23, the caseload for both CFCSA and FLA increased by 3% and 14% respectively. Compared to 2018/19, the number of CFCSA cases has decreased by 26%, and the number of FLA cases has decreased by 28%. However, both types of cases are at their highest point since 2020/21.

Four out of five new family cases (80%) come from subsequent applications in existing files.<sup>9</sup> The percentage of new cases from subsequent applications has been slightly higher in CFCSA cases than in FLA (87% vs. 78%) over the past five years. These family distributions have been consistent for the past five years.

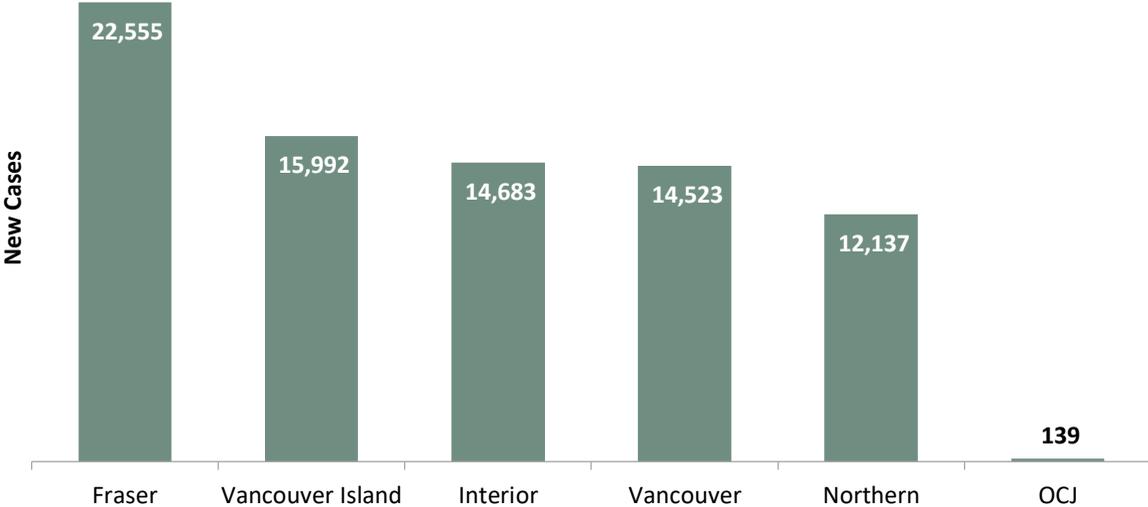
### Small Claims

New small claims cases have decreased 29% since 2018/19. The decrease since 2021/22, however, was 3%.

## New Cases by Region

The Fraser region continued to have the highest share of the Court’s new caseload (28%) in 2022/23, while the small remote locations administered directly by the Office of the Chief Judge (OCJ) had the lowest (<1%). This distribution has been consistent for the past five years.

Figure 11 - New Cases by Region



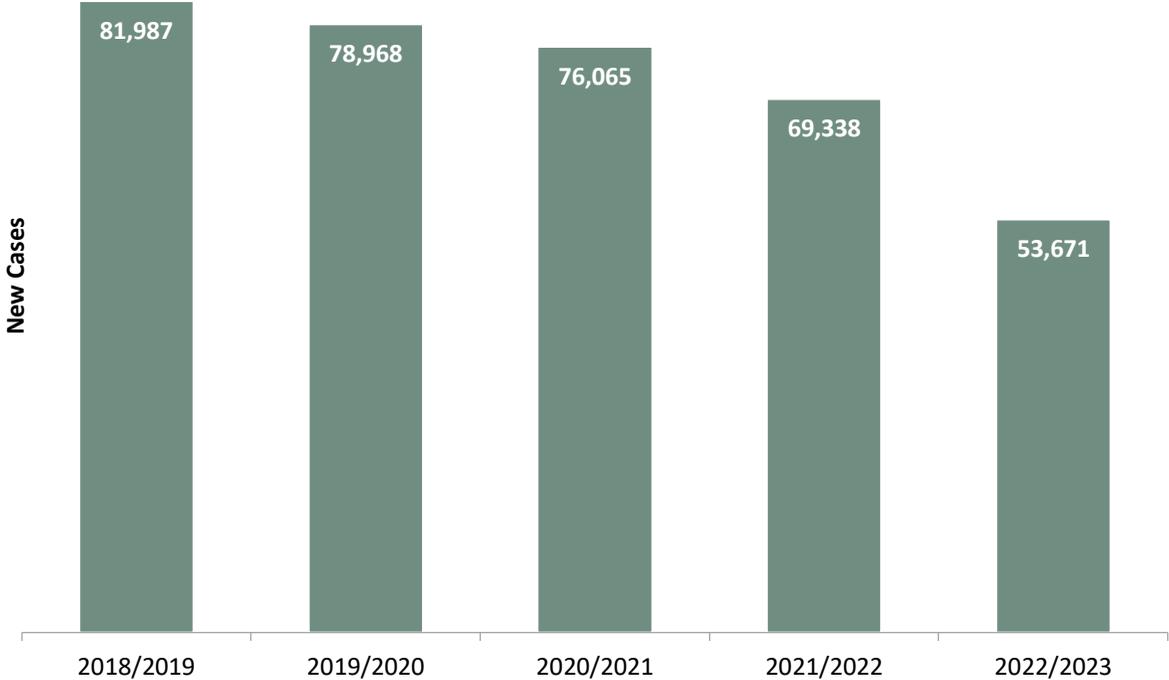
9. Subsequent applications are additional motions or applications filed in a case after the initial application is filed. Applications to change or enforce an order are a common example of FLA subsequent applications. Under the CFCSA, subsequent applications are required to determine custody of a child who is not returned to a parent.

# Traffic and Bylaw Cases

In addition to the criminal, family, and small claims cases typically handled by judges, the Provincial Court also handles traffic and bylaw cases (typically adjudicated by judicial justices).

In 2022/23, there were 53,671 new traffic and bylaw cases, down 23% from last year and at its lowest in the last five years. However, data from 2020 through 2022 should be interpreted with caution due to the temporary suspension of some court operations during the COVID-19 pandemic.

Figure 12 - New Traffic and Bylaw Cases, 2018/19 - 2022/23



# The Justice Centre

The Provincial Court operates a Justice Centre in Burnaby to provide access to judicial justices from anywhere in British Columbia.

Using telephone and sophisticated video conferencing methods, judicial justices at the Centre conduct bail hearings from 8:00 am to 11:00 pm daily, including weekends. They also consider applications for search warrants and production orders 24 hours a day, seven-days-a-week.

Two dozen judicial justices work through the Justice Centre, either on site or remotely. In 2022/23 they considered 20,973 applications for search warrants and production orders and conducted 19,747 bail hearings.



When weather prevents flights to Bella Coola, circuit court participants change to vehicles at the Anahim Lake Airport.

Photo by Judge Brent Hoy

# Remote Appearances

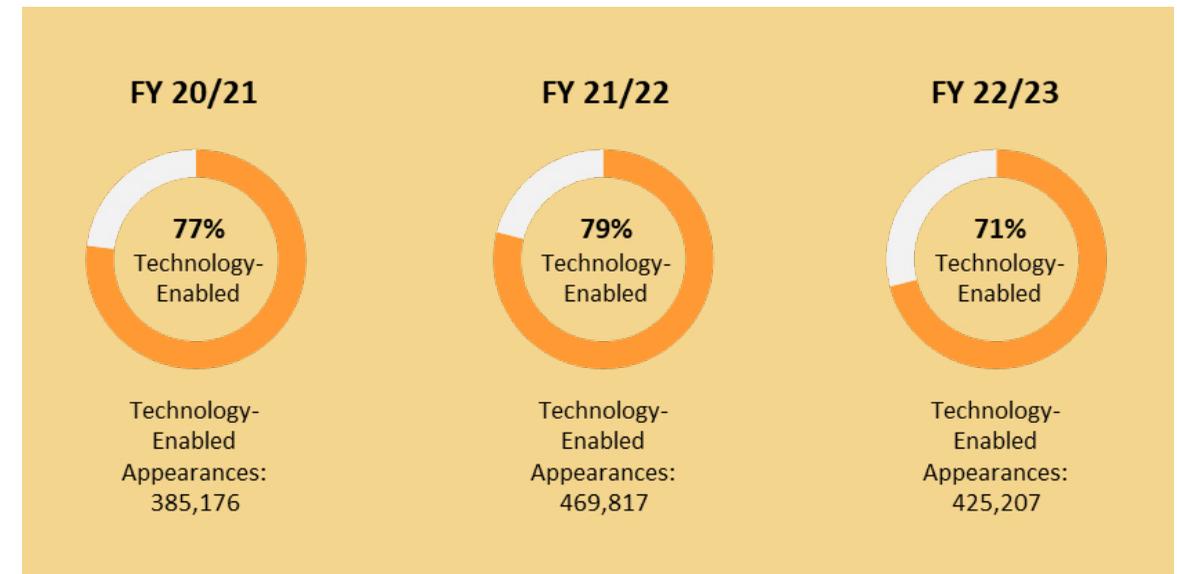
Excluding traffic, ticket and bylaw matters, since April 1, 2020 there have been over half a million total appearances in BC Provincial Court each year. The number of appearances has increased annually, reaching 595,195 total appearances in criminal, family, and small claims matters in 2022/23.

In each of the last three years, over two-thirds of these court appearances were technology-enabled, with at least one participant appearing remotely by video conference or telephone.

In 2022/23 approximately 71% of all court appearances, excluding traffic and bylaw, were technology-enabled. Participants attended family and small claims conferences remotely unless a judge ordered an in-person appearance, and most bail hearings and criminal sentencings were held virtually. However, trials and hearings where witnesses testified were generally conducted in person.

As Figure 13 shows, the number and percentage of technology-enabled appearances was lower in 2022/23 than in the preceding two years. However, the 2020/21 and 2021/22 rates reflect the fact that people were required to make certain types of court appearances remotely during those years due to COVID health measures. Even when these measures ended and opportunities to make in-person appearances increased during 2022, many people still chose to appear remotely.

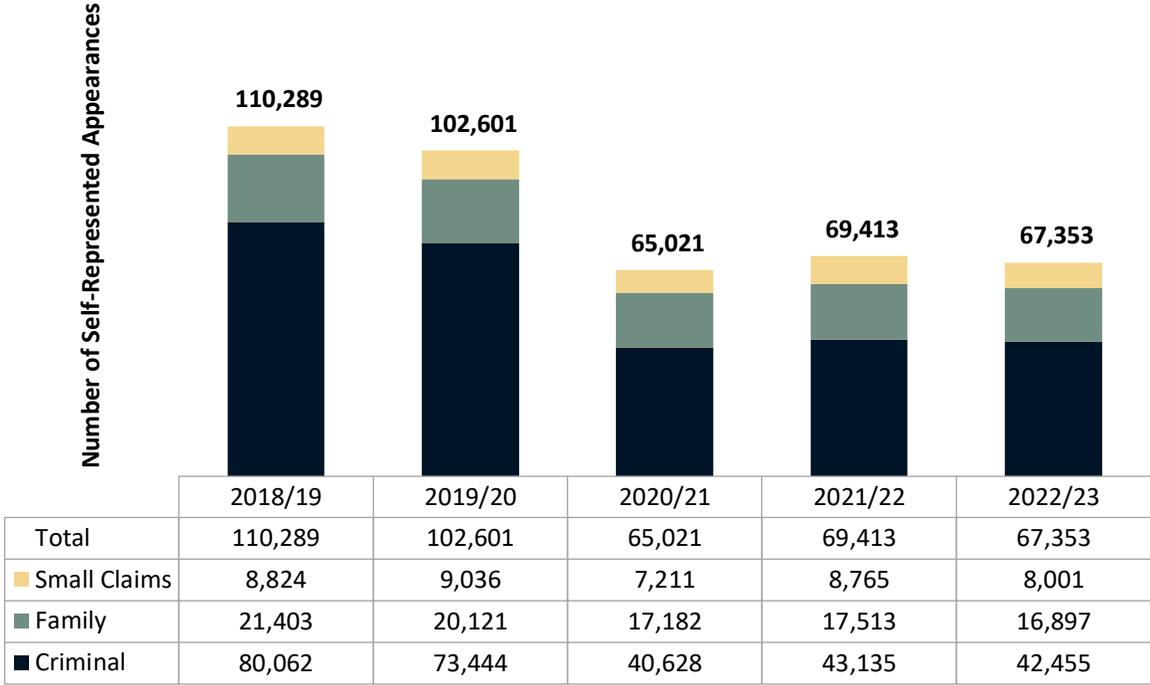
**Figure 13 – Number and Percentage of Technology-Enabled Appearance by Fiscal Year**



# Self-Represented Litigants

The Court oversaw 67,353 self-represented appearances in 2022/23,<sup>10</sup> representing a 3% decrease compared to last year. Figure 14 below shows the number of self-represented appearances by division over the past five fiscal years.<sup>11</sup>

**Figure 14 - Number of Self-Represented Appearances by Division, 2018/19 - 2022/23**



Vernon Law Courts  
 Photo by Judge Gurmail Gill

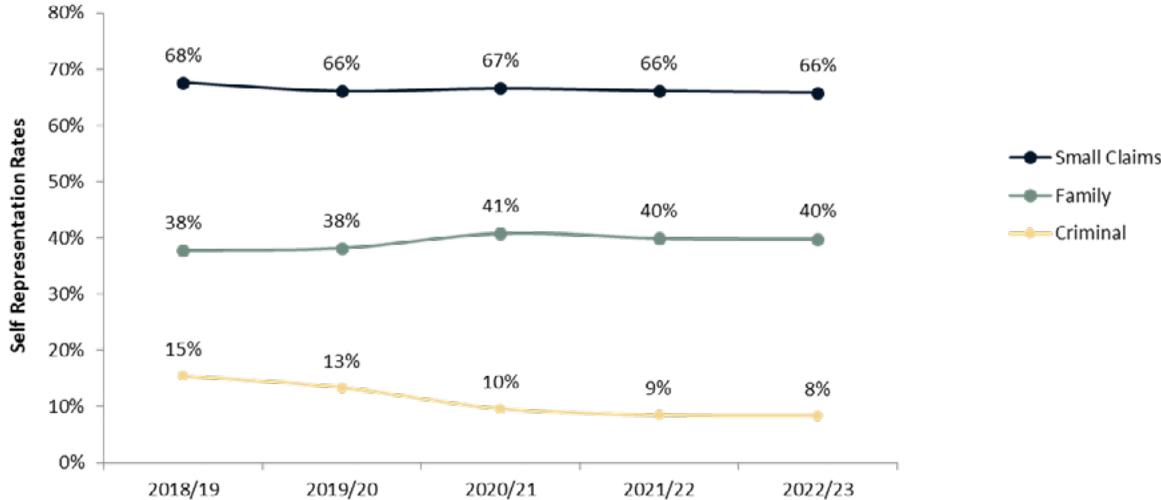
10. A self-represented appearance is when the accused is recorded as appearing in court with no counsel or agent present. Data Source: Criminal BI Database. Data are preliminary and subject to change. This analysis counts only appearances that took place, excluding cases that have been adjourned or cancelled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

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

While the number of self-represented appearances is highest in the criminal division, the rate of self-representation is lowest. The rate of self-represented appearances in the criminal division has decreased significantly since 2018/19. This coincides with an increase in the availability of Legal Aid duty counsel for bail hearings, particularly on weekends. Figure 15 shows the self-representation rate for each division over time.

The overall rate of self-representation declined from 19% in 2018/19 to 12% last year and remained 12% in 2022/23.

**Figure 15 - Rate of Self-Represented Appearances by Division, 2018/19 - 2022/23**



Circuit court party travelling by boat from Bella Bella to Klemtu

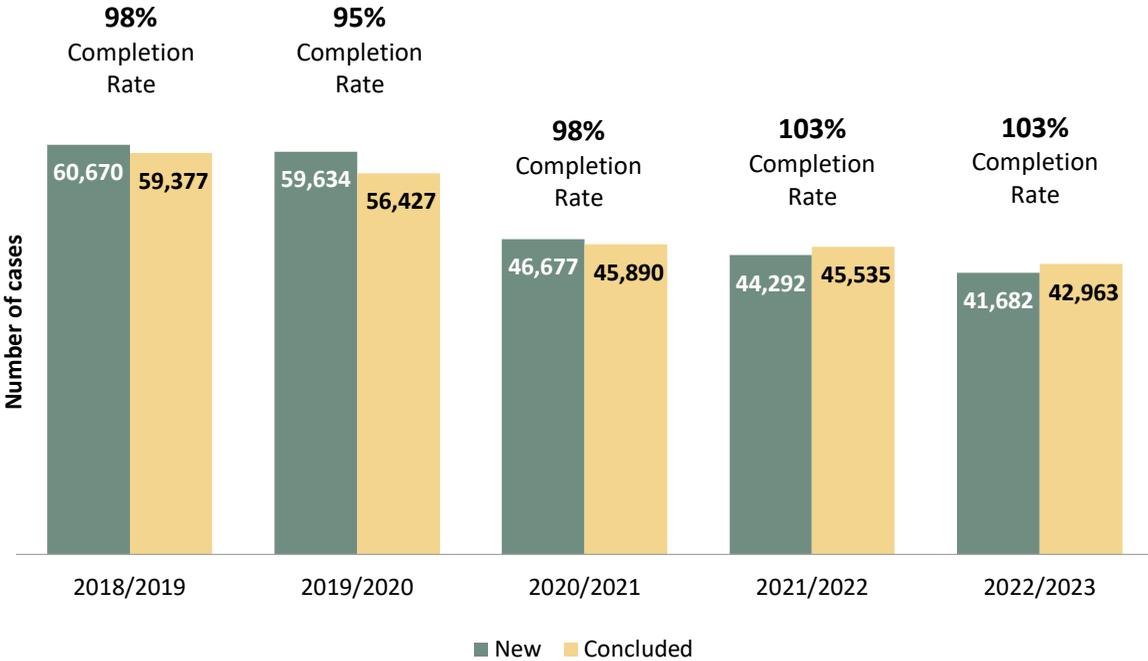
# Operational Court Standards

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

## Adult Criminal Case Completion Rates

The Court’s standard for the adult criminal case completion rate is 100%, calculated over a fiscal year.<sup>12</sup> This measure provides an indication of the Court’s ability to conclude cases at the same rate that new cases enter the system. In 2022/23, although the number of new and concluded cases decreased slightly from last year, the completion rate remained 103%, exceeding the standard.

Figure 16 - Adult Criminal Case Completion Rates, 2018/19 - 2022/23



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

## On-Time Case Processing

The purpose of this measure is to assess the timeliness with which Provincial Court cases are concluded. This is accomplished by examining the percentage of cases heard by judges (not judicial justices) reaching a final or important interim outcome (disposition or significant event) within established timelines. This information is only currently available for the criminal division.

The Court’s standard for criminal cases is to have 90% of cases concluded within 180 days. The Court has not met this standard during the past five years.

This standard reflects the Court’s goal for early conclusion of criminal cases. Some factors that affect this measure are beyond the Court’s control, such as whether an accused person sets the matter for trial, the amount of time it takes for the Crown to provide disclosure, and lawyers’ availability when setting court dates. With improvements in data collection, the Court can now track the time between specific events to determine where improvements, if required, can be made.

In FY2020/21, there was a decrease in a number of court appearances when the COVID pandemic limited the number of people attending court in person leading to a lengthier time period for some cases to conclude. This resulted in a reduction in the criminal cases concluding within 180 days (52% concluded within 180 days) as seen in Figure 17.

At the same time, between FY2019/20 to FY2020/21, BC Prosecution Services (BCPS) saw a 31% reduction in the number of ‘Property Offences’ and a 20% reduction in ‘Administration of Justice Offences’ received. This trend for BCPS continued through FY2021/2022 with an even greater reduction of cases received in those two offence categories. Historically these types of offences are generally concluded at an earlier stage of the lifespan of a case. The decrease in the percentage of cases concluding within 180 days reflects these trends in reduced numbers of property and administrative offences. While those two types of offence categories reduced in volume, ‘Offences Against the Person’ remained stable through the last five fiscal

years, including the years of the pandemic. These types of offences (e.g. sexual assault, assault causing bodily harm, and intimate partner violence) along with trafficking in controlled substances are the more complex cases that generally do not conclude at an early stage of the lifespan of a case, and are generally scheduled for multiple days of trial time. There has also been a number of legislative and common law changes that have contributed to the complexity of sexual offences prosecutions and consequently these trials are now significantly longer.

Figure 17 shows the percentage of cases completed within 180, 365, and 540 days, respectively.

**Figure 17 - Percentage of Adult Criminal Cases Concluded within Three Time frames, 2018/19 - 2022/23**

Percentage of Adult Cases Concluded within...			
Year	180 Days	365 Days	540 Days
FY 18/19	70%	90%	96%
FY 19/20	67%	89%	96%
FY 20/21	52%	80%	93%
FY 21/22	52%	79%	91%
FY 22/23	53%	80%	91%
<b>Five Year Average</b>	<b>60%</b>	<b>84%</b>	<b>94%</b>

# Pending Cases

A pending case is a criminal case<sup>13</sup> that has not yet been completed and for which a future appearance has been scheduled. The pending status of a court case is distinct from the total age of the case. However, the two measures are linked, as pending cases that exceed a certain age are of concern due to the possibility of unreasonable delay.

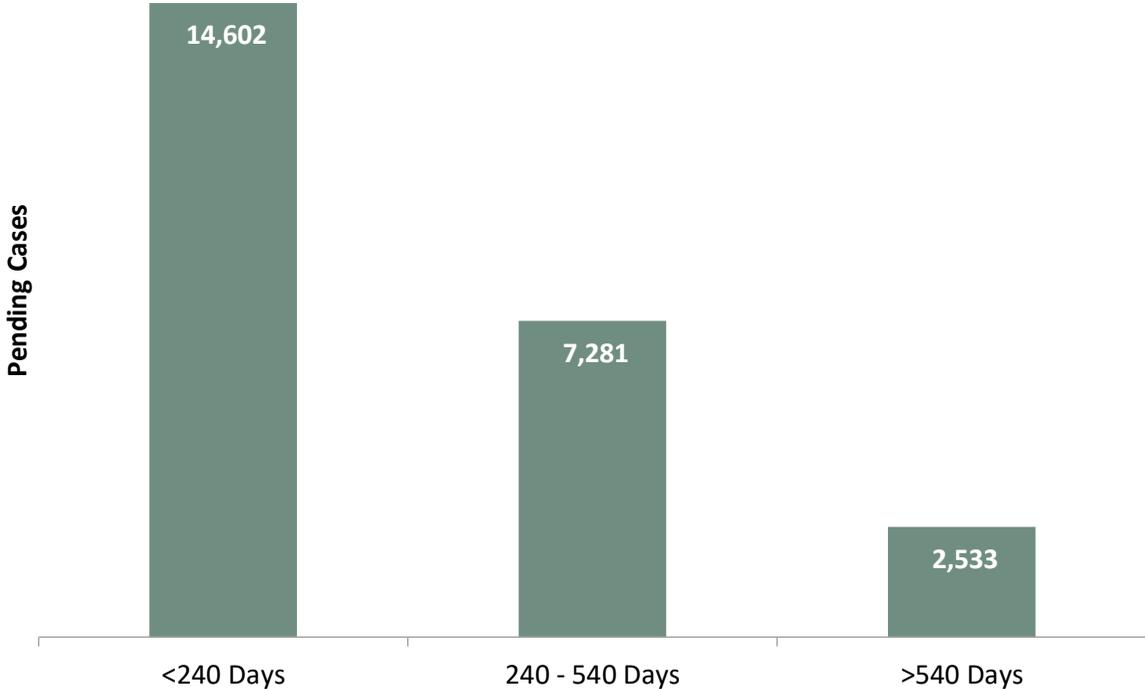
Case age calculations for pending cases count from the date an Information is sworn to the next scheduled appearance occurring after the “as at” date (in this case, March 31, 2023). These calculations exclude inactive time (e.g. bench warrants). The number and age of pending cases provide a general indication of the Court’s ability to process criminal cases in a timely manner.

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

As of March 31, 2023, there were 24,416 adult criminal pending cases, of which 60% had a pending date less than 240 days from the sworn date (that is, the time between the date the information was sworn and the next appearance date was less than eight months).<sup>14</sup> This means that the court met its standard this year - as it has for the past five years. The remaining 9,814 (40%) cases had pending dates greater than 240 days from the sworn date.

Figure 18 shows the number of adult criminal pending cases in the Provincial Court system on March 31, 2023, broken down by age category.

Figure 18 - Adult Criminal Pending Cases by Age Category<sup>15</sup>



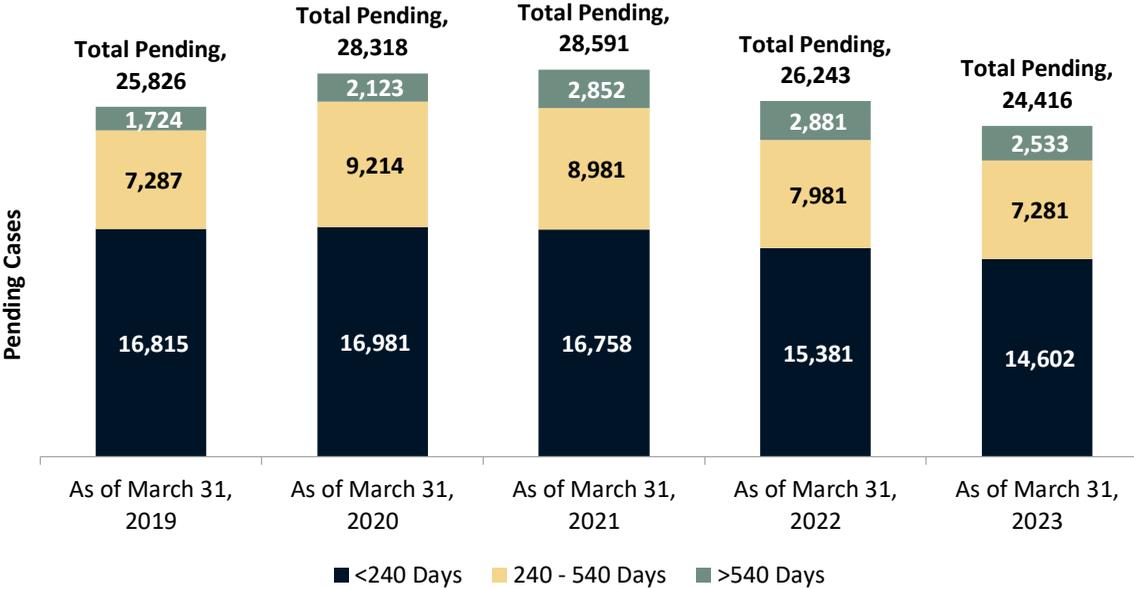
13. Pending case information is currently only available in the criminal division, as there is no agreed upon definition of case conclusion in the family and small claims divisions.

14. The current report is a snapshot as at March 31, 2023. These results are preliminary. Pending cases are likely to adjust upwards due to delays in compiling the data.

15. Data source: Criminal BI Database.

The total number of pending cases has decreased since last year (total pending cases decreased by 7% overall). Figure 19 shows the distribution of cases over time.

Figure 19 - Adult Criminal Pending Cases Over Time



Anahim Lake courthouse  
Photo by Judge Dennis Morgan

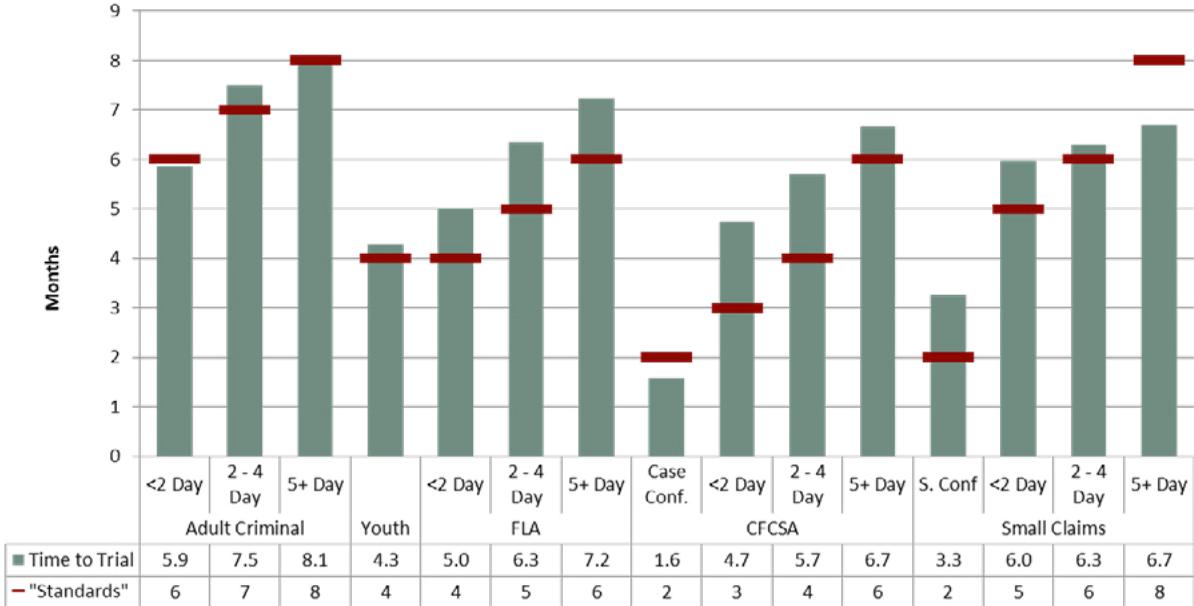
# Province-wide Time to Trial

The Court continues to measure time to trial from the date a request or order is made for a conference or trial to the date when cases of that type can typically be scheduled. Time to trial does not reflect when cases are set as this depends on the availability of counsel. Rather, it is an estimate of when court time would be available to schedule a particular activity.<sup>16</sup>

In 2005, the Court endorsed standards to measure whether dates were being offered for trial in a timely manner. These standards reflect the Court’s goals as to when the Court ought to be able to offer time for the specified trial events. In June 2016, those standards and the time estimates they govern were revised<sup>17</sup> to capture longer trials better and include Summary Proceedings Court<sup>18</sup> matters.

Figure 20 shows the average time to trial for this fiscal year. The Court was over-standard in most areas.

Figure 20 - Average Provincial Time to Trial, 2022/23



In most categories, the time to trial results stayed the same or increased slightly over the previous year. Across all criminal and family time to trial estimates, delays increased marginally.

As in the other divisions, most small claims time to trial estimates experienced an increase over the last year, with time to a settlement conference being the only area to remain stable.

The Court produces comprehensive time to trial reports twice a year and posts these on the Court Reports page of the Court’s website. The March 31, 2023, and September 30, 2022 reports can be found [here](#).

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

17. A detailed explanation of time to trial definitions, calculations, and standards appears in Appendix 2.

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

## Efforts to Reduce Delays

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

Court time is not the only factor leading to delays in criminal cases. Some factors are beyond the Court’s control, such as the length of time it takes for the police to prepare disclosure in complex cases and lawyers’ availability when setting trial dates.

As stated in *Jordan*, the Court does have a responsibility to manage cases to minimize unnecessary delay, particularly as it relates to pre-trial applications and unrealistic time estimates. The Court reviewed its case management processes after the release of the *Jordan* decision. Work continues to ensure that court time is used effectively and that judges are appropriately managing longer and more complex cases. Trial management is discussed at judicial education conferences and judges have access to resources on the topic.

## Trial Events

The Court tracks outcomes for all cases that were still on the Court list on the date set for trial. In 2022/23, there were 12,138 such trial events<sup>19</sup>, which is consistent with the previous year.

There are several possible outcomes on the day of trial, one of which is that the trial proceeds.<sup>20</sup> Where a trial does not proceed, this is referred to as a “collapse”. There are several reasons why a trial might collapse. For example, the case might settle on the day of trial before the trial begins. The Court has not established standards for collapse rates. Still, it continues to collect and monitor this data, with particular attention to the number of cases adjourned for lack of court time.<sup>21</sup>

Proceeding rates capture the percentage of trials that proceeded on the first day of trial.<sup>22</sup> There are persistent differences in proceeding rates between divisions. Figure 21 shows the rate for each division in 2022/23.

19. Results for cases that were never set for trial, or which did not proceed as scheduled due to adjournment, resolution, or any other reason before their first scheduled trial date are not captured under this system.

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

Figure 21 - Proceeding Rates by Division

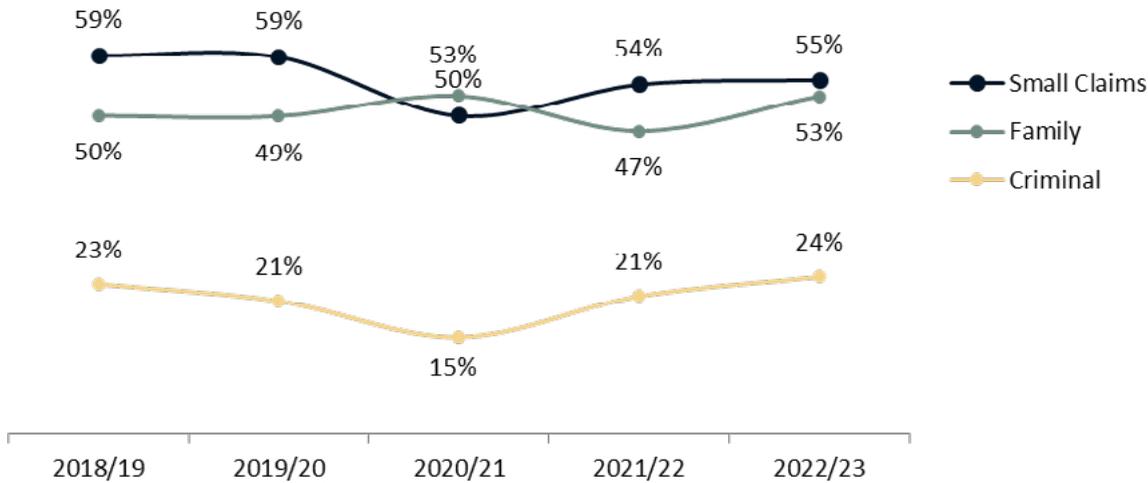


21. Lack of court time refers to a situation in which the Court has insufficient judicial resources to hear a case on the day it was scheduled.

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

As shown in Figure 22, proceeding rates in all divisions changed in 2022/23 compared to previous years.<sup>23</sup> However, data from 2020 through 2022 should be interpreted with caution due to the temporary suspension of some court operations during the COVID-19 pandemic.

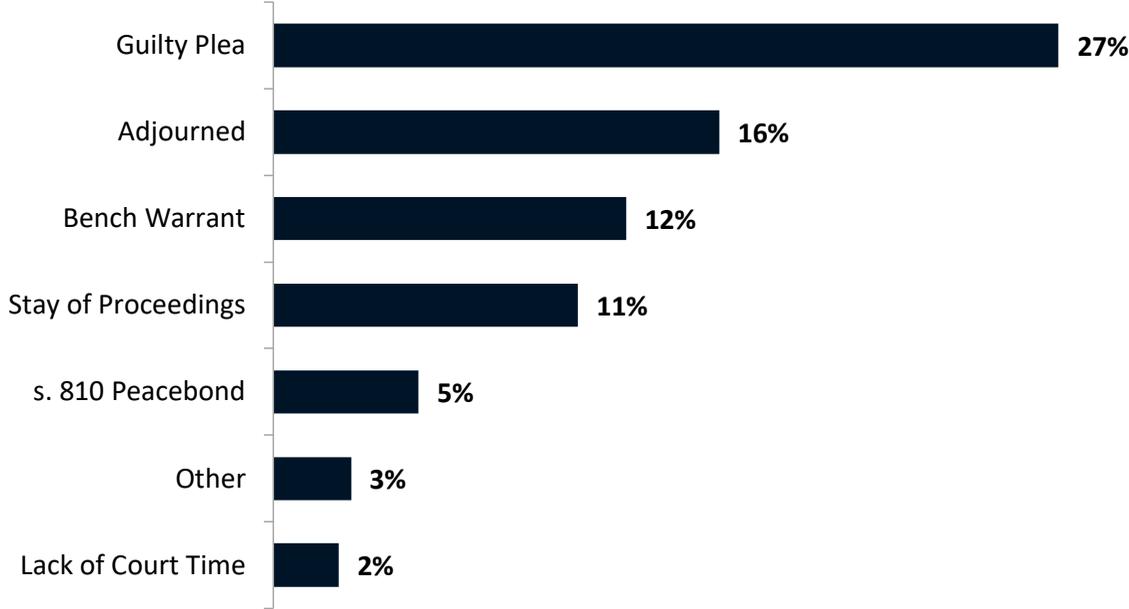
Figure 22 - Proceeding Rates by Division, 2018/19 - 2022/23



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

In the criminal division, 43% of the cases remaining on the list concluded on the first day of trial by ending in a guilty plea, stay of proceedings, or s. 810 peace bond. Figure 23 shows the distribution of collapse reasons for the criminal division in 2022/23.

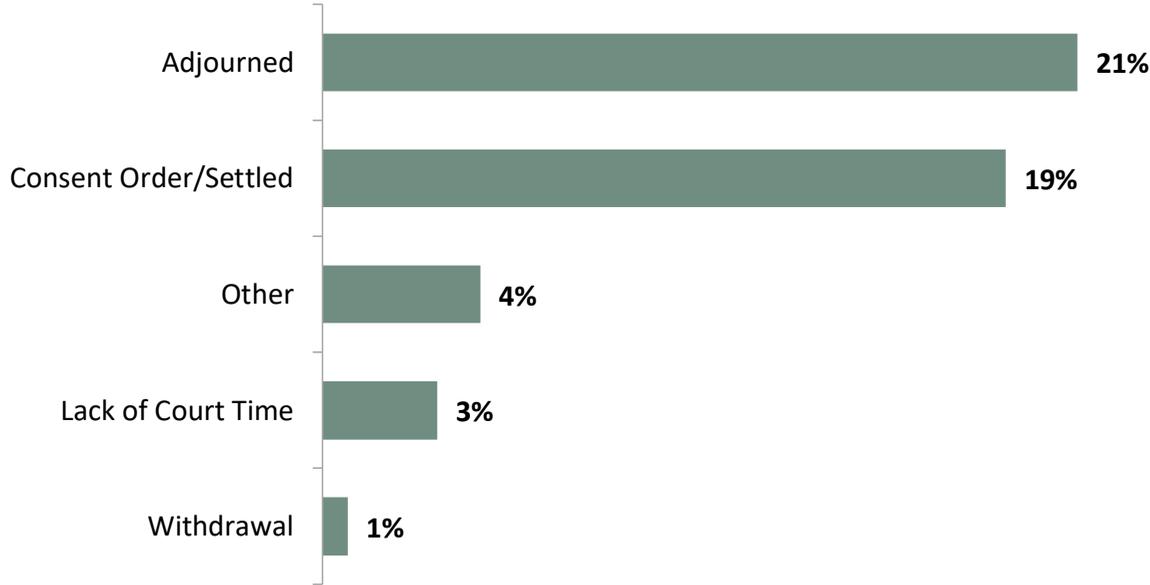
Figure 23 - Collapse Rates of Criminal Trials by Collapse Reason



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

The proceeding rate in the family division fluctuates around its five-year average (50%) and is slightly up this year (53%) compared to the previous year (47%). Figure 24 shows the distribution of collapse reasons in the family division.

**Figure 24 - Collapse Rates of Family Trials by Collapse Reason**



Over half of the small claims trials (55%) remaining on the list proceeded on the first day of trial. Figure 25 below shows the distribution of collapse reasons for small claims trials.

**Figure 25 - Collapse Rates of Small Claims Trials by Collapse Reason**

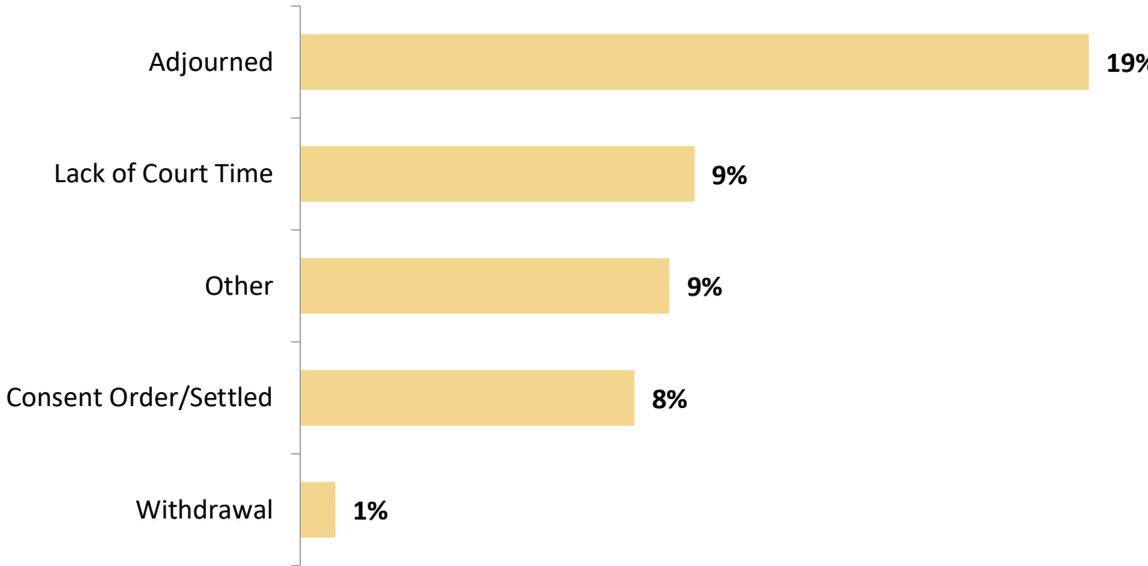


Figure 26 shows the lack of court time rates for each division in 2022/23. Lack of court time (LOCT) rates capture the percentage of trials adjourned because the Court did not have sufficient judicial resources to hear a given trial on the day it was scheduled to begin.

LOCT rates for the family (3%) and criminal (2%) divisions remained stable, and small claims (9%) increased slightly compared to the previous year (7%). The five-year trends for each division are shown in Figure 27 below. However, data from 2020 through 2022 should be interpreted with caution due to the temporary suspension of some court operations during the COVID-19 pandemic.

Figure 26 - Lack of Court Time Rates by Division

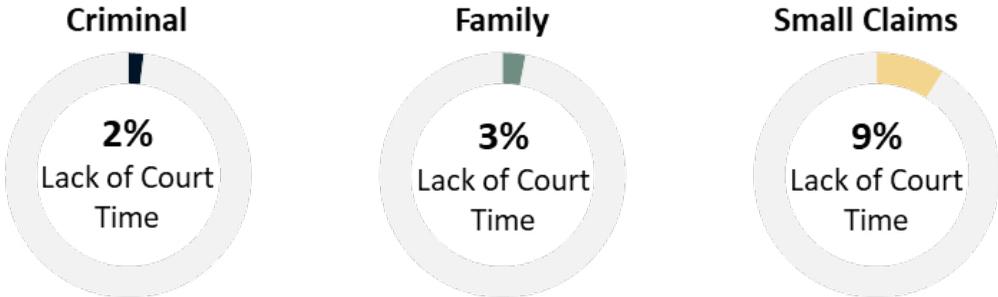
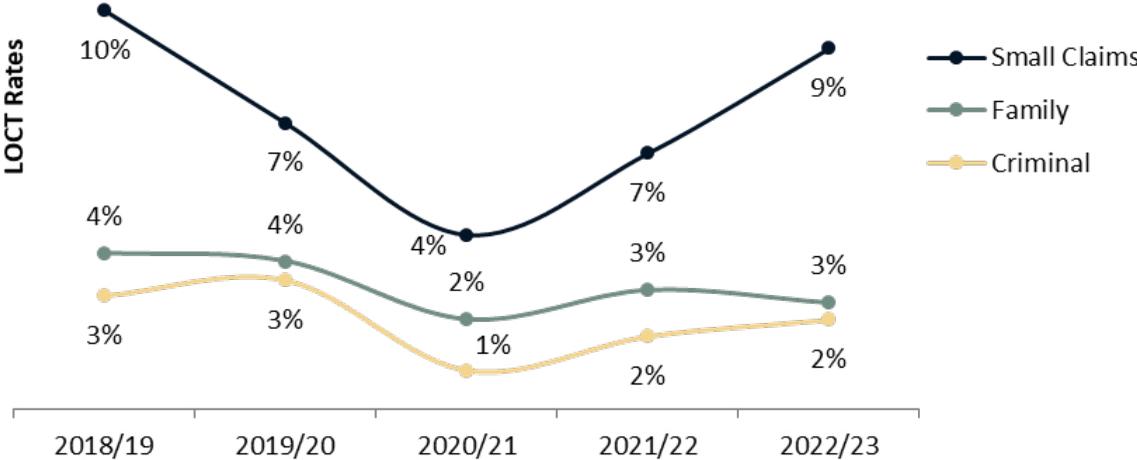


Figure 27 - Lack of Court Time Rates by Division, 2017/18 - 2021/22



# Financial Report

Figure 28 - Statement of Operating Expenses - Fiscal Year 2022/23

Description	22/23 Estimates Budget	22/23 Actual	Variance	%Variance	Notes
Salaries	\$49,890,000	\$49,189,139	\$700,861	1.40%	(1)
Supplemental Salaries	\$50,000	\$42,664	\$7,336	14.67%	
Benefits	\$12,672,000	\$12,755,350	-\$83,350	-0.66%	(1, 2)
Total Salaries and Benefits	\$62,612,000	\$61,987,153	\$624,847	1.00%	
Jud'l Council Fees and Exp		\$18,215	-\$18,215		(3)
Jud'l Justices Fees and Exp	\$3,063,000	\$3,399,544	-\$336,544	-10.99%	(3, 4)
Travel	\$1,921,000	\$1,328,826	\$592,174	30.83%	(5)
Professional Services	\$303,000	\$231,992	\$71,008	23.43%	(6)
IT/Systems	\$898,000	\$928,047	-\$30,047	-3.35%	
Office Expenses	\$1,468,000	\$1,434,846	\$33,154	2.26%	
Supplies Jud'l Attire	\$109,000	\$195,940	-\$86,940	-79.76%	(7)
Vehicle Expenses	\$60,000	\$68,785	-\$8,785	-14.64%	
Amortization	\$605,000	\$353,957	\$251,043	41.49%	(8)
Renovations and Rent	\$275,000	\$208,268	\$66,732	24.27%	(9)
Transfers - CAPCJ, CCCJ	\$12,000	\$12,200	-\$200	-1.67%	(10)
Total Operating Expenses	\$8,714,000	\$8,180,620	\$533,380	6.12%	
Recoveries within Govt.	-\$1,000	-\$349,545	\$348,545		(11)
<b>Grand Total</b>	<b>\$71,325,000</b>	<b>\$69,818,228</b>	<b>\$1,506,772</b>	<b>2.11%</b>	

During the 2022/23 fiscal year, the Provincial Court continued to invest in, build, and refine the innovative Court Modernization initiatives introduced in previous years. This ongoing investment supports virtual front-end processes such as conferences, virtual courtrooms, and virtual bail hearings, and leverages new processes and technology to improve access to justice.

To maintain its innovative edge and support judicial officers with the increased use of technology that virtual proceedings demand, the Court refreshed Court laptops in 2022 and began preparatory work on a judicial desktop tool to assist judges in their work before, during, and after court.

To better serve the public and their information needs, the Court began work on a new website designed to be more user-friendly and accessible than its current ten-year-old site.

The resumption of in-person education conferences in 2022 enabled judicial officers to connect in person to build skills, understand legislative changes, and explore emerging trends and issues.

The Court completed the fiscal year with a moderate surplus, with savings arising from judicial retirements and senior elections compounded by delays in appointing replacements, and travel savings realized through investments in virtual proceedings. Figure 28 provides an overview of the estimates budget allocated to the Court, the actual expenses incurred, and authorized cost recoveries.

## Notes

1. Savings in salaries due to retirements, delays in judicial appointments, and staffing vacancies.
2. Pressures due to increased taxable benefits and relocations for judicial appointments to North and Interior regions.
3. The public accounts present the budget for Judicial Council fees and expenses and judicial justices' fees and expenses together as one line item. Actual expenditures for the Judicial Council are presented separately here for greater clarity.
4. Higher cost of fees for judicial justices as retiring full-time justices are replaced by part-time justices who are paid fees instead of salaries. Incremental judicial justice shifts added to support Crown-led bail hearings on weekends and evenings.
5. Travel savings resulting from Court Modernization and virtual assignments.
6. Lower consulting services as corporate projects deferred to 2023/24. Professional Services includes fees paid to the National Judicial Institute in the amount of \$123,300. NJI fees support on-going judicial education through development of courses and materials to ensure judges are up-to-date on changes in the law and sensitive to the social and cultural context of the communities in which they work, including the history, experience, and circumstances of Canada's Indigenous peoples.
7. One-time purchase of additional robe and vest for judicial officers to support virtual hearings from their home offices.
8. Variance due to timing of capital asset additions.
9. Delays in completion of facilities projects due to supply chain challenges.
10. Transfers to the Canadian Council of Chief Judges (CCCJ) totalled \$5,000 and to the Canadian Association of Provincial Court Judges (CAPCJ) \$7,000. CAPCJ fees support education programs for new judges and CCCJ supports collaboration amongst Canadian chief judges on common issues.
11. Recovery from Ministry of Finance for staff and management compensation adjustments in the fiscal year.

# Complaints

## The Complaint Process

Public confidence that judicial decisions are heard fully and made fairly is a foundation of our justice system. The Court's complaints process maintains that confidence by giving people the means to criticize judicial officers formally if they believe their conduct is inappropriate. Under the **Provincial Court Act**, all complaints about judicial officers are made in writing to the Chief Judge.

The Act establishes three stages to the judicial conduct complaints process: examination, investigation, and inquiry. If a complaint asserts judicial misconduct, it is examined by the Chief Judge or their designate. As part of this examination, the judicial officer who is the subject of the complaint is provided with a copy of the complaint and an opportunity to respond. The Chief Judge or their designate, after examining the complaint, any other relevant materials, and any response received from the judicial officer, may determine that:

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

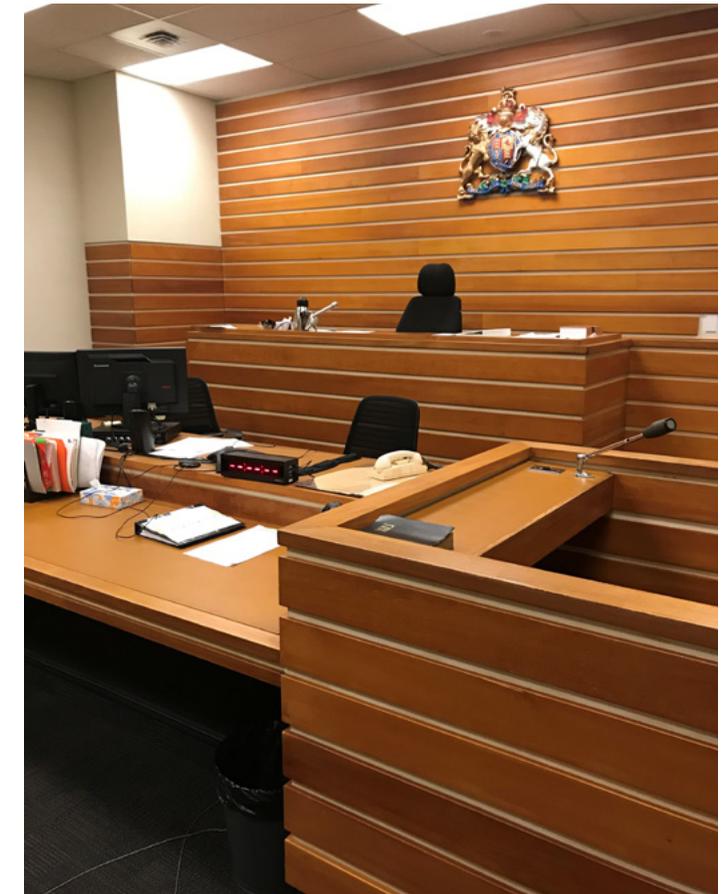
The Chief Judge then advises the complainant and the judicial officer of the result of the examination.

## Complaints Examined in 2022

In 2022, the Chief Judge conducted examinations of 10 complaints about the Court's judicial officers: five complaints about judges, one about a judicial justice, two about judicial case managers, and two about justices of the peace. These complaint examinations are summarised in [Appendix 1](#). They may include complaint examinations carried over from 2021.

This year 233 complaint submissions were found not to involve judicial misconduct and therefore not to be complaints within the authority of the Chief Judge. Most of these amounted to appeals from a judicial decision, and the complainants were sent appropriate information about appealing. Some did not relate to the Court, and complainants were referred to other agencies or organizations. Each year some complaint submissions, particularly those received in the fourth quarter, are carried forward into the next year. Review of 10 files will continue in 2023.

Figure 29 tracks complaint statistics and outcomes for the last decade. Since 2013, almost all complaints have been resolved at the examination stage.



Terrace Courtroom

Figure 29 - Complaints Statistics, 2013-2022

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Complaints received	253	273	204	336	352	379	305	230	211	252
Non-complaints (those found not to involve judicial misconduct)	225	254	164	313	335	370	288	215	192	233
Referrals <sup>24</sup> (those found not related to the Court and referred to another organization)	N/A	9	15	30						
Examination of complaints performed to December 31, 2022 <sup>25</sup>	*20	*28	*19	*26	*16	*9	*13	*10	*2	*10
Investigations of complaints performed	0	0	0	0	1	0	0	0	0	0
Files carried forward into 2023	0	11	23	7	16	5	9	8	5	10

24. Before 2020, these were not distinctly captured and were counted as “Non-complaints”.

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

# Appendix 1: Complaint Summaries

Complaints against Judges	
#	Summary
1	<p><b>Complaint:</b> The complainant expressed disagreement with the decisions made in their family matter and alleged that the judge was biased. The complainant asserted that the judge “snapped” at them during the proceedings, treated them disrespectfully, and would not let their lawyer speak.</p> <p><b>Review:</b> While the complaint was largely in the nature of an appeal and the complainant’s assertions of bias were unsupported, the audio recording of the proceedings was reviewed and a response was sought from the judge to address the complainant’s assertions about the judge’s conduct during the proceedings. The judge’s response appeared to fully answer the concerns expressed by the complainant. In their response, the judge expressed regret for their conduct and apologized for their tone during the proceedings.</p> <p>Judges have a responsibility to seek to maintain a level of calm and serenity, even in the face of challenging circumstances, so as to provide confidence to parties and observers that judicial authority is being exercised fairly and in an even handed manner. While the judge’s serenity was at times broken during the proceedings, a review of the proceedings in total, the complaint, and the judge’s apology led to the conclusion that further examination was not warranted. The complainant was provided with a reporting letter in this regard.</p>

2	<p><b>Complaint:</b> The complaint arose from a small claims settlement conference. The complainant asserted that the judge was biased against them, raised their voice when speaking to the complainant, made inappropriate comments which implied that the complainant was lying, and exhibited conduct described as “bullying”.</p> <p><b>Review:</b> The judge’s response was sought. (Settlement conferences are generally not recorded.) The judge’s response fully answered the concerns expressed in the complaint. The judge did not agree with the complainant’s characterizations of their conduct during the settlement conference and recalled that the enquiries that they put to the complainant were to assist in making a judicial decision and not intended to “bully” the complainant or infer that the complainant was lying. Further, the complainant’s assertions of bias were not substantiated as the complainant provided no evidence or basis to support those assertions beyond their disagreement with the outcome of the proceeding.</p> <p>Following a review of the complaint and the judge’s response, in the circumstances, it could not be fairly concluded that the judge engaged in any actions or comments that could be considered judicial misconduct. The complainant and the judge were informed of the same, and the matter was closed on that basis.</p>
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<p>3</p>	<p><b>Complaint:</b> The complainant raised concerns with respect to the judge’s role as a member of a strata council.</p> <p><b>Review:</b> A response was sought and received from the judge. The judge provided a detailed response that addressed the concerns raised by the complainant as well as concerns with respect to conflict of interest. Further, the judge’s response indicated that the judge was sensitive to issues of conflict that could arise in their position. It was determined that no judicial misconduct had occurred. The matter was closed on that basis.</p>
<p>4</p>	<p><b>Complaint:</b> The complainant asserted that the judge drives dangerously and conducted themselves in a manner intended to “intimidate” the complainant.</p> <p><b>Review:</b> A response was sought and received from the judge. The judge provided a detailed response which denied the complainant’s allegations. The complainant and the judge had differing recollections of the incident in question and there was no apparent means of readily resolving those accounts. Based on a review of the complaint and the judge’s response, it could not be fairly concluded that there is a basis to suggest any judicial misconduct by the judge. The complainant was provided with a reporting letter, a copy of which was also received by the judge, and the matter was closed on that basis.</p>

<p>5</p>	<p><b>Complaint:</b> The complainant expressed concerns about comments made by the judge and asserted that these comments were racist.</p> <p><b>Review:</b> A response was sought and received from the judge. The audio recording of the hearing in question was also reviewed. The judge provided a response in which they expressed regret at how their words were perceived by the complainant and clarified the intention of the comments that they made in court.</p> <p>The Canadian Judicial Council’s Ethical Principles for Judges states that “Judges should avoid comments, expressions, gestures or behaviour which reasonably may be interpreted as showing insensitivity to or disrespect for anyone”. While the judge did not intend for their comment to be insensitive or disrespectful, the wording that they used could reasonably be interpreted to be based on a racial or cultural stereotype and therefore should have been avoided. This was communicated to the complainant in a closing letter.</p> <p>From a review of the matter, against the background of the complaint and the judge’s response and reflection on the issues raised, it was apparent that this matter was a helpful reminder to the judge of the ideals to which judges aspire, and how a judge’s actions during proceedings may be perceived by litigants. The judge was provided with a copy of the response to the complainant and the matter was closed on that basis.</p>
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**Complaints against Judicial Justices**

**6** **Complaint:** The complaint arose from a traffic matter. The complainant suggested that the judicial justice “breaks the law all the time” and asserted that the judicial justice made inappropriate comments which were dismissive of the complainant’s concerns.

**Review:** A response was sought and received from the judicial justice. The judicial justice denied the allegation that they made a comment which could be characterized as dismissive; however, they acknowledged that they likely did state that they break the law when travelling even one kilometer in excess of the speed limit at any given time when operating a motor vehicle, which was noted to be of concern in light of the Canadian Judicial Council’s Ethical Principles for Judges as it relates to integrity and impartiality. The judicial justice indicated that they did not intend for their comments to be interpreted as an assertion that they frequently “break the law” by speeding. The judicial justice expressed regret at their choice of words and extended their sincere apology to the complainant.

Following a review of the complaint and the judicial justice’s response and apology, it was determined that the judicial justice be provided with a letter reminding them of the ideals to which judges and justices aspire, and how a judge or justice’s comments at a hearing may be perceived by litigants and the public. The complainant was provided with a reporting letter and the matter was closed on that basis.

**Complaints against Judicial Case Managers**

**7** **Complaint:** The complainants asserted that the judicial case manager (JCM) denied them access to the courtroom when they appeared for Initial Appearance Court.

**Review:** The audio recording of the proceedings in question was reviewed and a response was sought from the judicial case manager. The judicial case manager provided a response which fully addressed the complainant’s concerns. The judicial case manager noted that each accused was permitted to enter the courtroom. Other parties not involved in the matter were asked to wait outside, due to the size limitations of the courtroom, but with the ability to listen to the proceedings.

Upon review of the court record, and against the background of the complainant’s assertions and the judicial case manager response, it could not be concluded that the judicial case manager engaged in any actions that could be considered judicial misconduct. The complainants were informed of the same and the matter was closed on that basis.

<b>8</b>	<p><b>Complaint:</b> The complaint arose from the scheduling of a family matter. The complainant asserted that the judicial case manager made a scheduling error and that, when this issue was raised with the judicial case manager prior to the proceedings in question, the judicial case manager did not take their concerns seriously.</p> <p><b>Review:</b> A response was sought and received from the judicial case manager. The court record and the audio recording of the proceedings in question were also reviewed. The judicial case manager’s response confirmed that the incorrect document was scheduled in error. The judicial case manager acknowledged their error and apologized for such an error occurring and not being corrected prior to the hearing of the complainant’s family matter. The judicial case manager also expressed regret that the complainant perceived that the judicial case manager was not taking their concerns seriously.</p> <p>From a review of the matter, when viewed against the judicial case manager’s response and apology, it was apparent that that the judicial case manager would see this case as a helpful reminder of the ideals to which judicial case managers aspire and the Standards of Conduct by which they are guided. As such, beyond providing the judicial case manager with a copy of the complaint and reporting letter, further action on the complaint was not warranted. The matter was closed on that basis.</p>
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<b>Complaints against Justices of the Peace</b>	
<b>9</b>	<p><b>Complaint:</b> The complaint arose from an interpersonal conflict that the justice of the peace (JP) was having with the complainant. The complainant asserted that the justice of the peace abused their authority as a justice of the peace and had a substance abuse issue. The complainant also asserted that the justice of the peace engaged in actions and comments unbecoming of a justice of the peace, including uttering threats, violating a no-contact order and conduct which caused the complainant to contact the RCMP.</p> <p><b>Review:</b> The materials provided by the complainant did not support some of the assertions made, and a response was sought and received from the justice of the peace regarding the complainant’s other assertions. It was apparent that the justice of the peace and the complainant had very different recollections of what was said and done in relation to the events complained of, and the complaint stemmed from interpersonal issues, which could not be resolved within the context and process of a complaint about judicial conduct. The complainant was informed of the same in a letter, a copy of which was provided to the justice of the peace to serve as a reminder as to the degree of public scrutiny to which all judges and justice are subject in all aspects of their lives. The matter was closed on that basis.</p>
<b>10</b>	<p><b>Complaint:</b> It was brought to the attention of this office that an image of an intimate nature of a justice of the peace was posted on social media.</p> <p><b>Review:</b> A response was sought from the justice of the peace who confirmed that they were the individual pictured in the image and that they immediately contacted the photographer to request that the image be taken down and that no further images of them be posted anywhere. The justice of the peace was directed to review educational materials related to judicial conduct and social media use. In light of the justice of the peace’s acknowledgement and swift action regarding the alleged conduct, it was determined that the complaint was resolved and no further action was required. The matter was closed on that basis.</p>

# Appendix 2: Time to Trial Definitions, Weighting, and Standards

## Division-specific Time to Trial Definitions

Time to an adult criminal trial is defined as the number of months between an Arraignment Hearing/Fix Date<sup>26</sup> and the first available court date for typical trials of various lengths.

Time to trial for youth criminal trials is not broken down by trial length but is otherwise the same. These results do not take into account the time between a first appearance in court and the Arraignment Hearing/Fix Date.

Time to a family trial is defined as the number of months between a case conference and the first available court date for typical family (*FLA* and *CFCSA*) trials of various lengths. Results for time to a case conference count from the “fix date” appearance. The Court no longer tracks time to a fix date appearance, as this event is primarily driven by factors unrelated to Court scheduling.

Time to a small claims trial is defined as the number of months between a settlement conference and the first available court date for typical small claims trials of various lengths. These results do not take into account the time between the filing of a reply and the settlement conference. Results for settlement conferences count from the date of the reply.

26. Sometimes lawyers set a trial date at the conclusion of the arraignment hearing. Alternatively, they will set a “Fix Date” appearance and set a trial date at that time.

## Weighted Time to Trial Calculations

Time to trial information is collected at the location level. It is then weighted using each location’s caseload. This is done at both the regional and the provincial level. For example, if a location has 50% of its region’s caseload and 11% of the provincial caseload in a given division, their results are multiplied by 0.5 during the calculation of the regional weighted time to trial, and by 0.11 when calculating provincial weighted time to trial.

## Standards

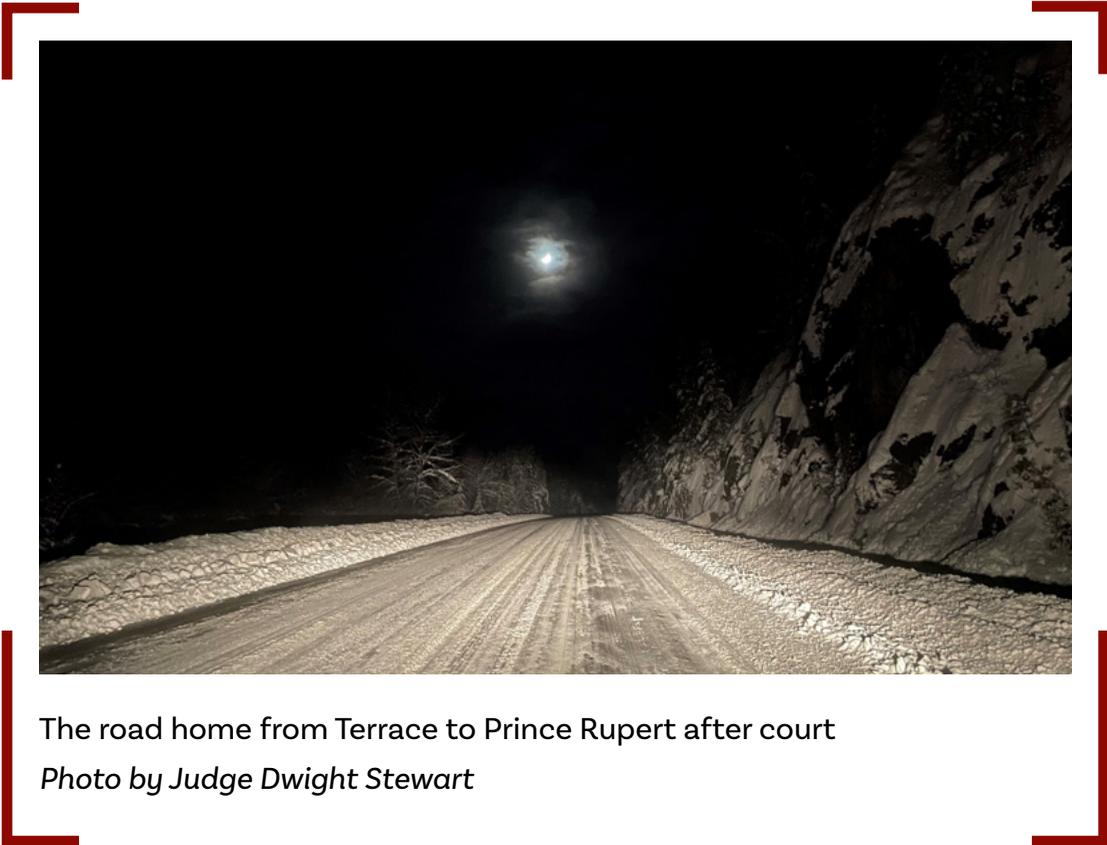
The current standards came into effect on June 30, 2016, and were developed based on changes to the estimated trial length categories.

The Court now collects information on three different lengths of trial (less than two days, two to four days, and five or more days) in addition to Summary Proceedings Court<sup>27</sup> matters and conferences. The precise information collected varies based on division (e.g. no conference information is collected for criminal matters). Time to trial data is collected by surveying judicial case managers, who report when events of various types can typically be scheduled.

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

Figure 30 - Time to Trial Measures and Standards

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



The road home from Terrace to Prince Rupert after court  
 Photo by Judge Dwight Stewart

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