

JUDICIAL COUNCIL OF BRITISH COLUMBIA

ANNUAL REPORT
2013



Prince George, B.C.



Judicial Council of British Columbia

September 8, 2014

The Honourable Suzanne Anton
Minister of Justice and Attorney General
Parliament Buildings
P.O. Box 9044, Stn Prov Govt
Victoria, BC V8W 9E2

Dear Attorney General:

I am pleased to provide to you the 2013 Annual Report of the Judicial Council of British Columbia. The work of Judicial Council during the past year includes the review of applications and interviewing of applicants seeking an appointment to the Provincial Court. This includes the review of 46 applications for appointment as Provincial Court Judge, as well as applications for appointment as Judicial Justice and as Justice of the Peace. In the review process, the Council interviewed 24 applicants for the position of Provincial Court Judge.

In addition to myself as presiding member, the members of the Council for 2013 were as follows: The Honourable Associate Chief Judge Gurmail S. Gill as Alternate Presiding Member; the Honorable Judge Kenneth Skilnick, President, Provincial Court Judges' Association (2013); Mr. Kenneth Walker, QC, The Law Society of British Columbia nominee; Ms. Kerry L. Simmons, President, Canadian Bar Association, British Columbia Branch; Administrative Judicial Justice Patricia Schwartz (lay member); Ms. Karin Kirkpatrick (lay member); Dr. Darin Cherniwchan (lay member); and Mr. Lorne MacLean, QC (lay member). After serving five years and two and half years respectively, Mr. Walker's and Dr. Cherniwchan's terms of office ended. To the departing members, I wish to express my appreciation for their dedication and many contributions to the work of the Judicial Council during their terms of office.

The Judicial Council continues to fulfill its statutory object of improving the quality of judicial service in the Provincial Court of British Columbia. To achieve a high standard of judicial excellence, the Council ensures that members of the judiciary receive ongoing access to the highest quality of education, and promotes strict adherence to accepted judicial ethical guidelines.

The Judicial Council continues to strive to ensure that the application process is as transparent as possible and encourages applications from candidates of diverse backgrounds. In this regard, I can advise that the Council's efforts were recognized in a resolution passed by the Canadian Bar Association at the annual meeting held in Saskatoon, Saskatchewan, in August 2013, a copy of which is available at <http://www.cba.org/CBA/resolutions/pdf/13-04-A-ct.pdf>.

This report is published in keeping with the Council's tradition of accountability, transparency and public access to information. It is accessible on the Provincial Court website at www.provincialcourt.bc.ca.

Sincerely,

The Honourable Thomas J. Crabtree
Chief Judge
Presiding Member,
Judicial Council of British Columbia

Any members of the public who have a question that they wish to direct to the Chief Judge as Presiding Member of the Judicial Council, or to the Judicial Council as a whole, whether arising from this report or for any other reason, may do so in writing addressed to:

Judicial Council of British Columbia
337 - 800 Hornby Street
Vancouver, British Columbia V6Z 2C5

Judicial Council of British Columbia Seventeenth Annual Report

2013

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2013 Judicial Council Annual Report: Summary

The Judicial Council of British Columbia was created by the provincial government to improve the quality of services provided by the judiciary in the Provincial Court of British Columbia. The judiciary includes the judicial officers described in the box.

The main functions of the Judicial Council are to advise the Lieutenant Governor in Council (that is, the Cabinet) on the appointment of Provincial Court Judges and certain other judicial officers, to organize education for Judges and other judicial officers, and to undertake inquiries respecting Judges and Justices when necessary.

Each year, the Judicial Council reports on its activities to the Attorney General. This report summarizes the membership and activities of the Council for 2013.

Judicial Officers

The Judicial Council has responsibilities regarding various judicial officers. These include:

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

Members of the Judicial Council

Composed of Judges, lawyers and lay persons, the Judicial Council represents opinions from within and outside of the judiciary. With nine members, up to four of them may be appointed by the Lieutenant Governor in Council. The others are the Chief Judge and Associate Chief Judge and the presidents (or their nominees) of the Provincial Court Judges Association of British Columbia, the Law Society of British Columbia and the B.C. Branch of the Canadian Bar Association.

Judicial Appointments

In Canada, the provincial governments, acting as the Lieutenant Governor in Council, appoint judges to their provincial courts. In British Columbia, as in some other provinces, the Judicial Council recommends candidates for the judiciary, and the Attorney General selects from among those recommended. The Judicial Council has established criteria for judicial appointments, including a wide range of specific competencies, in order to ensure that candidates appointed to

the Bench are exceptional individuals who unquestionably demonstrate the highest professional qualifications, temperament, ability and community standing. In order to ensure this high standard, the Judicial Council receives detailed applications and investigates all applicants with the assistance of the B.C. Branch of the Canadian Bar Association. It interviews successful applicants and recommends the most capable to the Attorney General.

In 2013, the Judicial Council received 46 applications, interviewed 28 applicants, and recommended 11. It also interviewed three applicants for Judicial Justices.

The Judicial Council attempts to ensure that the Provincial Court Bench reflects the diversity of B.C.'s population. It analyzes factors such as applicants' gender, age, region and type of practice. In 2013, all regions of the province were represented in applications to the Bench. The Council made recommendations for appointment from the Vancouver, Fraser and Interior regions, including four men and seven women. In 2013, the Council revised the judicial application forms to include, on a voluntary basis, the applicant's ethnic or cultural information.

Judicial Education

The Judicial Council ensures that Judges and other judicial officers receive appropriate continuing education, including conferences and seminars, travel to various districts in the Province, mentoring by experienced Judges, and Court observations. These are presented primarily by the Education Committee of the Provincial Court Judges Association, by volunteer Judges and at education events around the world. In 2013, the Education Committee's spring and fall education conferences covered topics ranging from judicial independence and the rule of law to mental health and the care of children.

In addition, the Judicial Council supports the training and education of other judicial officers through conferences, courses and on-the-job training.

Other Matters

The Judicial Council has responsibilities for certain inquiries respecting Judges and Justices, for improving judicial services, and for preparing a judicial code of ethics. None of these matters was raised for action in 2013.

For details on the operation of the Provincial Court of British Columbia, please refer to the Court's [website](#) and the [Annual Reports](#) of the Provincial Court.

1. Introduction and Membership to the Judicial Council

Role of the Judicial Council

The Judicial Council of British Columbia (“Judicial Council” or “Council”) is a statutory body with the stated object to improve the quality of services provided by the judiciary to the Provincial Court of British Columbia. Created by the [Provincial Court Act](#), R.S.B.C. 1996, c. 379 (the “Act”), s. 21, the Judicial Council’s functions include:

- Considering proposed Lieutenant Governor in Council (“LGIC,” known more commonly as the Cabinet) appointments of Judges, Judicial Justices (“JJs”) and Justices of the Peace (“JPs”)
- Conducting inquiries respecting Judges, Judicial Justices and Justices of the Peace
- Considering proposals for improving the judicial services of the Provincial Court of British Columbia
- Continuing the education of Judges and organizing educational conferences for Judges
- Preparing and revising, in consultation with Judges, a code of ethics for the judiciary
- Reporting to the Attorney General on matters the Attorney General considers necessary

The Judicial Council is not directly involved in the management or administration of courts or cases in the Provincial Court. For details on the operation of the Provincial Court of British Columbia, please refer to the Court’s [website](#) and the [Annual Reports](#) of the Provincial Court.

Judicial Officers

The Judicial Council has responsibilities regarding various judicial officers. These include:

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

Membership of the Judicial Council

The members of the Judicial Council, as prescribed by the *Act*, are:

- The Chief Judge as Presiding Member
- An Associate Chief Judge as Alternate Presiding Member
- The President of the Provincial Court Judges Association of British Columbia, and her or his designate
- The President of the Law Society of British Columbia or her or his designate
- The President of the British Columbia Branch of the Canadian Bar Association (“CBABC”) or her or his designate
- Not more than four other persons (by convention, this has included a Judicial Justice and at least two laypersons)

The members of the Judicial Council in 2013 were as follows:

The Honourable Chief Judge Thomas J. Crabtree, Presiding Member

The Honourable Associate Chief Judge Gurmair S. Gill, Alternate Presiding Member

The Honourable Judge Kenneth Skilnick, President, Provincial Court Judges Association (2013)

Administrative Judicial Justice Patricia Schwartz

Mr. Kenneth Walker, QC, Law Society of BC nominee

Ms. Kerry L. Simmons, QC, President, Canadian Bar Association, BC Branch (2013)

Ms. Karin Kirkpatrick

Dr. Darin Cherniwchan

Mr. Lorne MacLean, QC



Left to right; front row: Judge K. Skilnick, Chief Judge T. Crabtree, Associate Chief Judge G. Gill; back row: Mr. K. Walker, QC, Ms. K. Simmons, QC, Administrative Judicial Justice P. Schwartz, Mr. L. MacLean, QC, Ms. K. Kirkpatrick, Dr. D. Cherniwchan

Members of the Judicial Council

*The Honourable Chief Judge Thomas J. Crabtree, Presiding Member
Appointed Chief Judge April 8, 2010*

Chief Judge Crabtree was appointed to the Provincial Court in February 1999. He was appointed Chief Judge of the Provincial Court of British Columbia on April 8, 2010, at which time he also became Presiding Member of the Judicial Council. During his time on the bench, Chief Judge Crabtree has contributed to a number of committees of the Court, including: the Provincial Court Judges Association of British Columbia's Education Committee, acting as Chair of the Committee from 2004 to 2008; member of the Association executive from 2004 to 2008; Chair of the 2007 joint conference education committee of the Canadian Association of Provincial Court Judges, the American Judges Association and the Provincial Court Judges Association of British Columbia; and Chair of the Education Review Committee. He is a member of the Canadian Council of Chief Judges and is Chair of the Education Committee. Chief Judge Crabtree currently serves on the National Judicial Institute Board of Governors.

*The Honourable Associate Chief Judge Gurmail S. Gill, Alternate Presiding Member
Appointed to the Judicial Council July 1, 2010*

Associate Chief Judge Gill was appointed as a Judge of the Court in 1994. From October 1996 until January 1999, Judge Gill chaired the fourth Royal Commission on Workers Compensation in B.C. which produced a number of comprehensive recommendations for reform to the system, including designing a new legislative framework for occupational health and safety. In August 2007, he was appointed as the Administrative Judge for the South Fraser Judicial District. In February 2009, he was appointed Associate Chief Judge, in which capacity he has continued to serve until the present time, and is responsible for judicial administration of the Court. Judge Gill has served on the Court's Strategic Planning Committee and on a number of Committees mandated to improve access to justice through the use of court technology, including as the representative of the Canadian Council of Chief Judges on the Board of Directors of the Canadian Centre for Court Technology. Judge Gill currently serves as a member of the Canadian Association of Provincial Court Judges Committee on the Law and he is the Provincial Court Judicial Liaison to the British Columbia Law Institute.

*The Honourable Judge Kenneth Skilnick, President, Provincial Court Judges Association (2013)
Appointed to the Judicial Council December 31, 2012*

Judge Skilnick has been a Judge of the Provincial Court of British Columbia since February 10, 2003, sitting in Prince George for two and a half years, and in Abbotsford since then. He served as a member of the Judicial Council for one term by virtue of being the President of the Provincial Court Judges Association of B.C. He has also served as a member of the Court's Education Committee, as the Court's representative to the Judges Counselling Program and as editor of the Provincial Court Judges' newsletter. Prior to his appointment, Judge Skilnick was a lawyer for 23 years, in private practice, as a staff lawyer for the Legal Services Society and briefly as Crown Counsel. He has also served as a member of the Board of Directors of the Lawyers Assistance Program of B.C.

Administrative Judicial Justice Patricia Schwartz
Appointed to the Judicial Council December 31, 2010

Administrative Judicial Justice Schwartz is currently assigned to the Violation Ticket Centre, Provincial Court of British Columbia (Traffic Division). In 2001, she was appointed as Judicial Justice and assigned to the Justice Centre. She has extensive experience in the Provincial Court, serving as the Acting Operations Manager at the Office of the Chief Judge and as a Judicial Case Manager. She has served on the Board of Directors for City Hall Daycare, the École Pauline Johnson After School Care program and the Vancouver Skating Club. JJ Schwartz attended Capilano University, has completed Government Management Courses, and attends biannual JJ seminars. She was originally appointed to the Judicial Council on December 31, 2010 for a three-year term. In December 2013, her appointment to the Judicial Council was extended for an additional three-year term.

Mr. Kenneth Walker, QC, Law Society of BC nominee
Appointed to the Judicial Council January 14, 2009

Kenneth Walker, QC, was called to the bar in 1974 and practices with his son, Kevin Walker, at Wozniak and Walker. He has a general practice, which includes criminal defence, civil litigation and a component of solicitor's practice. He was appointed Queen's Counsel in 2012. During 2013, he was Second Vice-President of the Law Society of British Columbia. Elected a Bencher in 2007, Mr. Walker is currently Vice-Chair of the Credentials Committee, Vice-Chair of the Finance Committee and Vice-Chair of the Legal Service Provider Task Force. He is a member of the Appointments Subcommittee, Executive Committee, Governance Committee and Litigation Subcommittee. Mr. Walker was formerly a member of the Lawyer Education Advisory Committee, Complainants' Review Committee, Finance Committee, Ethics Committee, Discipline Committee, Credentials Committee, Act and Rules Subcommittee, Small Firm Task Force and Adjudication/Prosecution Task Force. He is a member of the Kamloops Bar Association and has served that organization in various capacities, including as organizer for the Kamloops Bar Association golf tournament.

Ms. Kerry L. Simmons, QC, President, Canadian Bar Association, B.C. Branch (2013)
Appointed to the Judicial Council January 1, 2013

Ms. Simmons, QC, is a partner with the law firm of Cook Roberts LLP in Victoria, where she assists individuals and small business owners to solve problems in the areas of employment, estate, real estate, professional negligence and commercial disputes. She was appointed Queen's Counsel in 2013. Ms. Simmons was President of the B.C. Branch of the Canadian Bar Association from 2012 to 2013. In that role, she worked on action plans to improve access to justice and legal services for the public and to promote the legal profession. For the past five years, Ms. Simmons chaired the Advisory Committee to the Rural Education and Access to Lawyers (REAL) Initiative to ensure that the public has and will continue to have access to legal services in smaller communities. Among her many activities, Ms. Simmons is a passionate supporter of young people engaging in public service.

Ms. Karin Kirkpatrick

Appointed to the Judicial Council July 8, 2011

Karin Kirkpatrick is the Principal of Capercaillie, a governance consulting company, and adjunct faculty in the Sauder School of Business at the University of British Columbia. Previously, she was Chief Executive Officer of the Private Career Training Institutions Agency, a provincial Crown corporation regulating private training institutions; the Chief Executive Officer of the Real Estate Foundation of British Columbia; and from 2002 to 2008, Assistant Dean in the Sauder School of Business. From 1994 to 2002, she was President of Kirkpatrick Staffing Group, a recruitment company she founded. Ms. Kirkpatrick is a Chartered Professional Accountant and Certified Management Accountant, and holds a Master of Business Administration in Human Resources. She is currently completing a Master's degree in International Law at the University of Edinburgh. In 2013, she received the Queen Elizabeth II Diamond Jubilee Medal.

Dr. Darin Cherniwchan

Appointed to the Judicial Council July 8, 2011

Dr. Darin Cherniwchan is the Medical Director of the Fraser Valley Travel Clinic and works in palliative care with the Fraser Health Authority. Previously, Dr. Cherniwchan worked as a family physician in private practice. Active in his community, he is a member of the Chilliwack Mt. Cheam Rotary Club, a member of the International Society of Travel Medicine, and a retired Registrar of the College of Pharmacists of B.C. Dr. Cherniwchan is a Fellow with the College of Family Physicians of Canada. He holds a Bachelor of Pharmaceutical Sciences from the University of British Columbia, attended medical school at McGill University, and completed his Family Practice residency at the University of British Columbia.

Mr. Lorne MacLean, QC

Appointed to the Judicial Council March 8, 2012

Lorne MacLean, QC, is the founding partner of MacLean Family Law Group, which has been operating since 1983, and has offices in Vancouver, Surrey, Kelowna and Fort St. John. Mr. MacLean has published on numerous topics relating to B.C. divorce and family law. He is also a frequent guest on radio and television as an expert in his field. Active in his community, he has been a guest lecturer at the University of British Columbia Law School. He holds a Bachelor of Science from the University of British Columbia and a Bachelor of Laws from Osgoode Hall.

2. Meeting Schedule and Business Conducted

The Judicial Council meets approximately once monthly. At most meetings, the Council reviews applications for appointment as Provincial Court Judges and, when required, reviews applications for appointment as Judicial Justices and Justices of the Peace. The Council also interviews applicants for the position of Provincial Court Judge.

The 2013 meetings were held on January 25, February 22, March 22, April 12, May 24, June 21, July 31, August 30, September 20, October 25, November 29 and December 13.

In 2013, the Council received 46 applications for Provincial Court judgeships and reviewed 48 (including some from 2012). The Council approved 28 applications for interview, interviewed 24, and recommended 11 for appointment. The Council received, interviewed and recommended three applications for appointment as a Judicial Justice. It received and recommended 13 applications for appointment as Justice of the Peace. (The figures reflect the Council's activities in the year, but may include reviews, interviews or appointments of candidates who applied in a previous year. Details are included in the following sections and in Appendix C.)

In addition to reviewing applications and conducting interviews, the Council attends to ongoing business at its meetings. In 2013, the Council's business included considering ways to encourage applicants from diverse backgrounds to apply for judicial office, reporting to the public on such efforts, formulating a submission to the Judicial Compensation Commission and attending to minor amendments to the Judicial Council's Procedural Bylaw.

Guest presenters to the Judicial Council in 2013 included Mr. Purdy, Justice of the Peace Administrator, on the topic of British Columbia's Justices of the Peace; and the Honourable Judge Birnie, Chair of the Education Committee of the Provincial Court Judges Association on the current work of the Education Committee, court conferences and the Joint Court Education Conference held with the Supreme Court of British Columbia.

Members of the Judicial Council also met twice with the Canadian Bar Association Judicial Advisory Committee to review the Council's role in the appointment process and the preparation of reports on the suitability of an applicant to the judiciary of the Provincial Court, as described in the next section.

3. Appointment Process for Judges

Judges are appointed to the Provincial Court by the Lieutenant Governor in Council (“LGIC”) on the recommendation of the Judicial Council, pursuant to section 6 of the *Act*. The process of making a recommendation begins with an application to the Judicial Council, and includes a rigorous examination of an applicant’s professional standing, abilities and other relevant factors.

Given the Council’s statutorily prescribed objective of improving the quality of judicial service, the approval process must ensure that only exceptional applicants who are unquestionably capable of meeting these increasing demands be recommended for appointment. The criteria and competencies for an applicant seeking appointment as a Provincial Court Judge as identified by the Judicial Council include:

Criteria:

- At least 10 years in the practice of law (Those with less legal practice experience are considered if they have a range of related experience.)
- Superb legal reputation and a professional record review from the Law Society of British Columbia
- Experience in mediation or alternative dispute resolution
- Respect in the community
- Good health
- Appreciation of and experience with diversity
- Willingness to travel and to sit in all subject areas

Competencies:

- Knowledge and technical skills
Conscientiousness, commitment to high standards
- Decision-making
Decisiveness, confidence, courage, independence, impartiality
- Communication and authority
Firmness without arrogance, courtesy, patience, tolerance, fairness, sensitivity, compassion, self-discipline
- Professionalism and temperament
Capacity to handle stress and isolation of judicial role, sense of ethics, patience, honesty, tolerance, consideration of others, personal responsibility
- Effectiveness
Commitment to public service, commitment to efficient administration, self-discipline
- Leadership and management for Judges holding administrative positions
Responsibility, imagination, commitment to efficient administration

Reorganization of the Provincial Court

In the past, the Provincial Court was organized into 12 administrative districts, and Judges were assigned to a particular district. In 2013, the Court reorganized into five regions to reflect principles of fiscal accountability, efficient governance and modern technology. The Court also reformed leadership and administrative structures to reduce the overall administrative burden and allow Judges to devote more time to Court sitting duties. The 2013 Annual Report of the Provincial Court describes these changes in more detail.

While these changes do not directly affect the work of the Judicial Council, they may affect applications for a judicial appointment. Judges may now be responsible to hear cases throughout the region in which they are assigned. The Council will consider ability to travel and to sit in all parts of a region in making recommendations for appointment.

Application and Approval Process

Applicants for judicial appointment submit a Judicial Candidate Application form, which they can download from the Provincial Court [website](#) (download [Doc file](#)). A Judicial Candidate Process Summary, also available on-line (download [PDF](#)), outlines the entire process from application through interview to appointment. An extensive investigation follows an application, so the Council strives to ensure that applicants understand and consent to this fact.

Upon receipt of an application, the Chief Judge requests a Canadian Bar Association (CBA) Report on the applicant from the Judicial Advisory Committee of the CBABC. Committee members make inquiries of members of the profession and others regarding an applicant's reputation and suitability for judicial office, a process which may take several months. The Council is indebted to the CBABC Committee for the diligence it brings to this task.

In addition to the CBA report, the Council requests reports from the Combined Forces Special Enforcement Unit - Police Records Information Management Environment (CFSEU-BC PRIME Records), listing the applicant's criminal record, if any; and from the Law Society of BC, detailing any history of complaints against the applicant. The Chief Judge may also solicit comments from Judges and Judicial Justices who may be familiar with the applicant. Persons identified as references by the applicant, and others not so identified, including current colleagues, may be contacted, unless the applicant specifically requests that they not be contacted and provides reasons for that request. Inquiries are conducted discreetly, but strict confidentiality cannot be guaranteed.

Once the inquiries are complete and the above reports are received, the Judicial Council reviews the information and determines whether to interview the applicant. If three or more members vote in favour, the applicant is approved for an interview. The timing of the interview depends on the number of applicants recommended for an interview, but generally occurs within a year of receipt of the completed application package. Applicants not approved for an interview are not notified.

Interviews are conducted at the Office of the Chief Judge. At least five members of the Judicial Council must be present, although all nine members usually participate. Applicants are asked a

series of questions designed to assess their suitability for judicial appointment, and to address any issues raised as a result of the inquiries made concerning the application. Following the interview, the Council decides whether to recommend the candidate for appointment by the LGIC. If two or more members vote against an applicant, the application is not recommended.

The names of recommended applicants are added to a roster for consideration by the Attorney General when appointing a Provincial Court Judge. The name remains on the roster for a period of up to three years from the date of the interview. When a vacancy arises, or when the LGIC otherwise determines that an appointment is necessary, the Attorney General may select a candidate from the roster and submit the name to the LGIC for appointment. In 2013, 10 recommended candidates from the roster were appointed by the LGIC.

An applicant who has been interviewed but who is not appointed within 2.5 years of the date of an interview may reapply for appointment. Many applicants reapply at least once before being appointed by the LGIC. Interviewed applicants must advise the Council if at any time they wish to remove themselves from consideration for appointment.

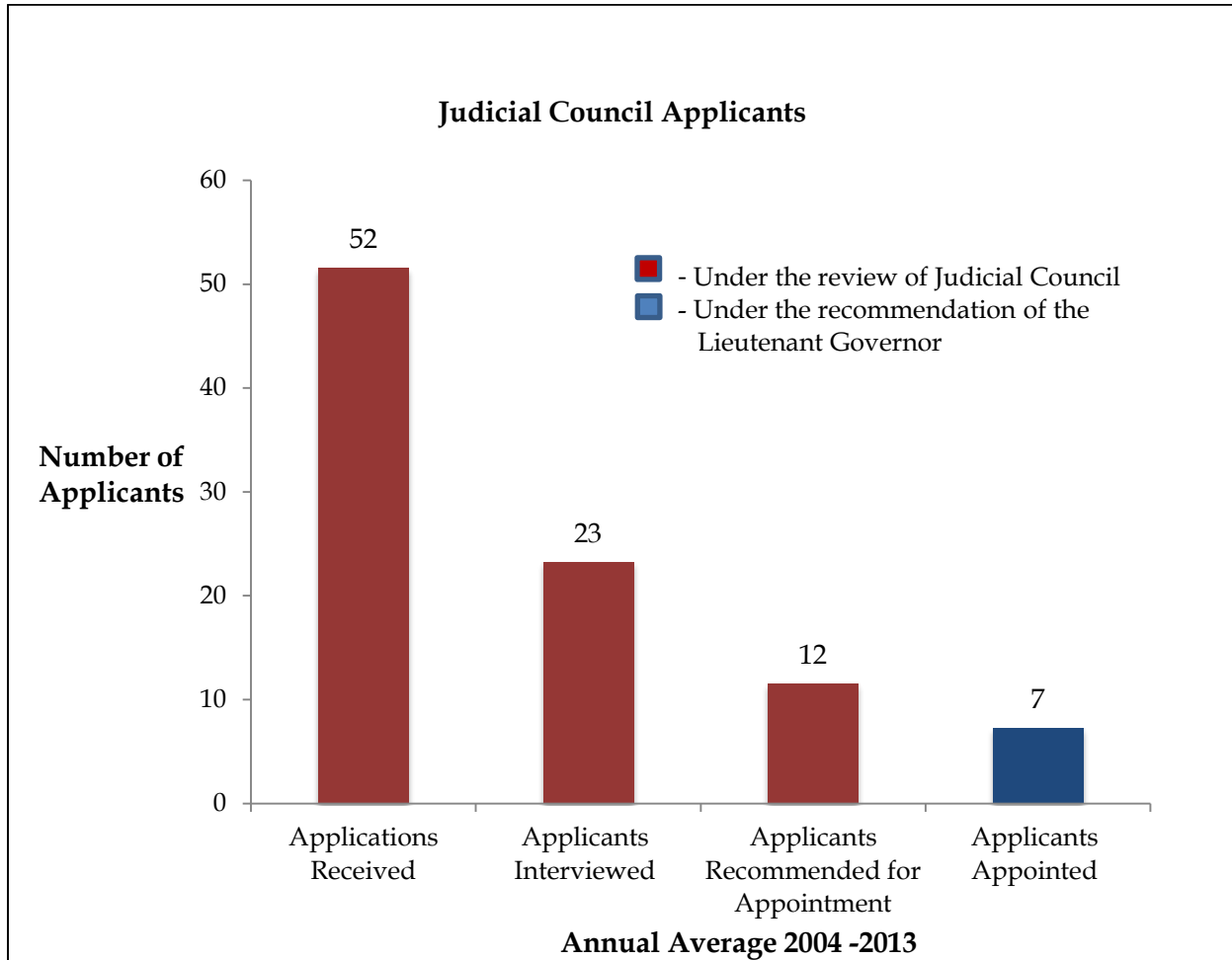
Applications and Outcomes

Over the period from 2004 to 2013, the Judicial Council received an average of 52 applications per year for recommendation for appointment as a Provincial Court Judge. The Council interviews an average of 23 per year and recommends an average of seven per year.

In 2013, it received 46 applications, reviewed 48 and approved 28 for an interview. The Council interviewed 24 applicants and recommended seven.

Appendix C, Applications to the Judicial Council, details the number of applicants, the progression through the review process and various demographic factors. Figure 1 summarizes the average number of applicants at key stages.

Figure 1: Judicial Council Applicants and Outcomes



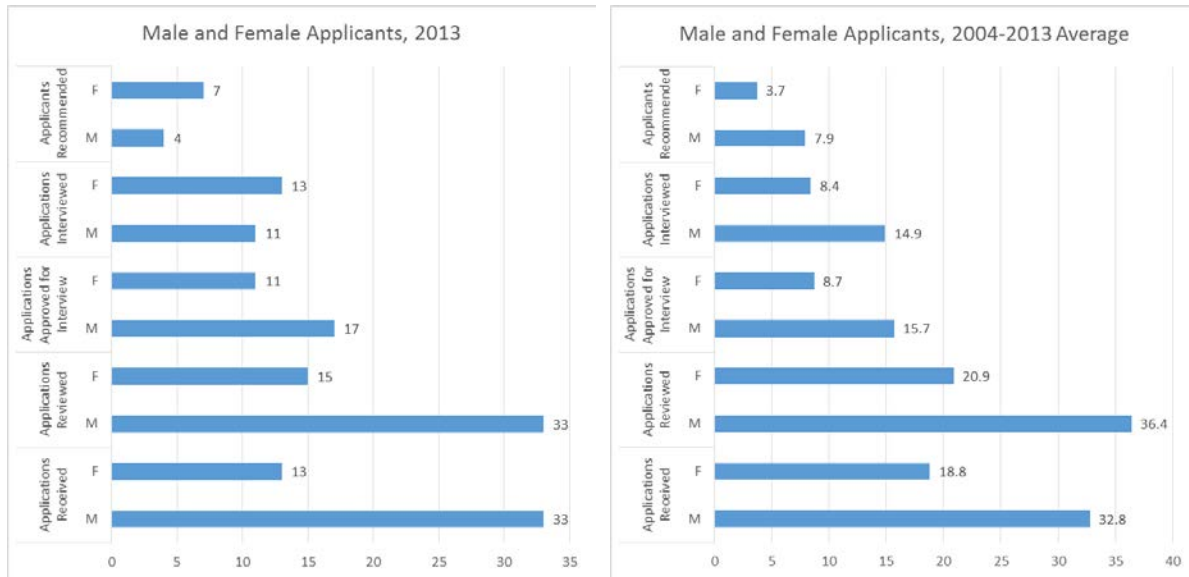
Of the annual average of 52 applications received, an average of 23 are interviewed each year, of which, on average, 12 were recommended for appointment. Thus, an average of 44 percent of applicants receive an interview, and 23 percent are recommended for appointment. An average of seven Provincial Court Judges have been appointed over the last 10 years, approximately 13 percent of the original number of applicants.

Demographics

In 2013, the Judicial Council had an average of 19 candidates on the recommended for appointment roster each month. As of December 31, 2013, there were 17 candidates on the roster; nine were men and eight were women.

While the number and gender distribution of applicants has remained generally constant, a greater proportion of women applicants has been recommended for appointment in recent years.

Figure 2: Male and Female Applicants, 2013 and 10-year Average



Age and years of practice

The average age of applicants to the Court in the last two years was 52, with an average of 22 years in practice. The average age of male applicants has declined slightly to 53 years, while the average age of women has remained constant at 51 years.

From 2011 to 2013, applicants have had an average of 21.8 years of practice. Male applicants had an average of 23.7 years of practice, while female applicants had 20.

Applicants and Appointments by Region

In April 2013, the Provincial Court reorganized its twelve districts to form five regions. The table of applicants for the past two years in Figure 3 indicates that the Judicial Council receives applications from each of the five regions.

In 2013, 10 applicants recommended for appointment were appointed to the Court: five to Fraser, three to Interior and two to Vancouver.

Figure 3: Applicants and Appointments by Region

	2012		2013	
	Applicants	Appointments	Applicants	Appointments
Vancouver Island				
#	9	2	8	0
%	26%	18%	17%	%
Vancouver*				
#	12	0	19	2
%	35%	0%	41%	20%
Fraser				
#	3	5	6	5
%	9%	46%	13%	50%
Interior				
#	4	2	8	3
%	12%	18%	17%	30%
Northern				
#	5	2	5	0
%	15%	18%	12%	0%
Outside B.C.				
#	1	n/a	0	n/a
%	3%	n/a	0%	n/a
Total	34	11	46	10

* Applicants applying from Burnaby (a city that sits in both the Vancouver and Fraser Regions) have been classified in the Vancouver Region.

Applicants by Area of Practice

New and renewed applications to the Court came from various fields of private practice, as well as from Crown Counsel and other areas such as Judges from other jurisdictions, Judges returning from other appointments and staff of the Law Society.

While applications from private practice tend to form about two-thirds of the total number, in 2013 they formed 74 percent, up from 41 percent in 2012. Crown Counsel formed 17 percent and applications from other areas formed nine per cent of the total number in 2013.

Diversity

In 2012, the Chief Judge, as Presiding Member of the Judicial Council, wrote a [letter](#) to the President of the CBABC and the President of the Law Society of British Columbia, seeking their assistance in encouraging a broad range of applicants for judicial office on the Provincial Court of British Columbia. The Judicial Council's overall goal was to strengthen the Court by ensuring that there is a diverse pool of applicants who are reflective of the general population in the Province, from which the Council can recommend candidates for appointment to the Court. To this end, the Judicial Council acknowledges the work of the Law Society of British Columbia and, in particular, the June 2012 report of the Equality and Diversity Committee, [Towards a More Diverse Legal Profession: Better practices, better workplaces, better results](#).

In June 2013, the Judicial Council approved an amendment to the judicial application forms to include, on a voluntary basis, the applicant's ethnic or cultural information. The collection of this information has commenced and will be reported in the 2014 Annual Report.

Comparison of New and Renewed Applications

As stated above, applicants who are interviewed, but not appointed, may reapply 2.5 years from the date of their interview, and often do. The annual number of new applicants is relatively stable with the exception of a significant spike in 2007, following which the applications returned to the pre-2007 levels.

In 2013, there was an increase in the number of applicants renewing their applications to the Judicial Council after previously being unsuccessful. ("Unsuccessful" applicants include those not granted an interview, as well as those interviewed but not recommended or appointed.) The Council received a total of 24 renewed applications, compared to 22 new applications in 2013, and the 10-year average of 18. On average over the 2004 to 2013 period, the Council has recommended 24 per cent of new applications compared to 19 per cent of renewed applications.

4. Appointment Process for Judicial Justices

In addition to Judges, Judicial Justices are appointed by the Lieutenant Governor in Council on the recommendation of the Judicial Council. They are assigned by the Chief Judge to preside over matters within their statutory jurisdiction, including traffic and other ticketable offences, some municipal bylaw matters, payment hearings in Small Claims Court, applications for bail and search warrants and, in Victoria's Integrated Court, managing cases, hearing preliminary matters and issuing warrants for failure to attend court.

Applications and Appointment Criteria

Applications for the office of Judicial Justice may be submitted at any time or may be solicited by a recruitment campaign for a specific vacancy.

Applicants for appointment as a Judicial Justice must meet the following criteria:

Criteria:

- At least 5 years in the practice of law (Those with less legal practice experience are considered if they have a range of related experience.)
- Superb legal reputation and a professional record review from the Law Society of British Columbia
- Experience in mediation or alternative dispute resolution
- Respect in the community
- Good health
- Appreciation of and experience with diversity
- Willingness to travel and to sit in all subject areas

Competencies:

- Knowledge and technical skills
Conscientiousness, commitment to high standards
- Decision-making
Decisiveness, confidence, courage, independence, impartiality
- Communication and authority
Firmness without arrogance, courtesy, patience, tolerance, fairness, sensitivity, compassion, self-discipline
- Professionalism and temperament
Capacity to handle stress and isolation of judicial role, sense of ethics, patience, honesty, tolerance, consideration of others, personal responsibility
- Effectiveness
Commitment to public service, commitment to efficient administration, self-discipline
- Leadership and management for Judicial Justices holding administrative positions
Responsibility, imagination, commitment to efficient administration

Role of the Judicial Council in the Appointment of Judicial Justices

Applicants for judicial appointment as a JJ submit a Judicial Candidate Information Summary, which they can download from the Provincial Court [website](#) (download [Doc file](#)).

In a process similar to that for Judges described earlier in this report, the Council reviews applications, conducts interviews and recommends JJ candidates for appointment.

When received, applications are initially investigated in a process similar to that for Judges. The application and the investigation results are reviewed by the Council, or a Select Committee of the Council, to decide whether the applicant will be interviewed. Candidates are not advised of that decision except through receipt of an invitation to attend for interview. Candidates who are interviewed are not advised whether they have been recommended for appointment. Names of applicants recommended for appointment remain on a roster for three years. Applicants may reapply after three years from the date of their previous application, or the date of their interview, if any.

Due to the large number of appointments in 2007 and 2008, no interviews were conducted from 2010 to 2012. In 2013, three applicants were interviewed.

5. Appointment Process for Justices of the Peace

Justices of the Peace fill several important functions within the British Columbia justice system, ranging from adjudicating some types of cases to managing and scheduling courts. More than 300 Justices of the Peace serve communities of every size throughout the province. Recently, their roles have undergone significant revision due to case law on the issue of judicial independence. Some Justices of the Peace, like Judges, are independent judicial officers. All are subject to the supervisory authority of the Chief Judge, and are appointed by the Lieutenant Governor in Council on the recommendation of the Judicial Council.

There are three kinds of Justices of the Peace, each with different assignments:

- **Justice of the Peace Adjudicators** preside in court hearing cases up to \$5,000.
- **Judicial Case Managers** handle trial scheduling and initial appearances.
- **Court Services Justices of the Peace** work in the court registries.

The process for a JP appointment is as follows:

A Court Manager (or his or her designate) in the relevant Court location contacts the JP Administrator at the Office of the Chief Judge (preferably in writing) when the Court requires a JP appointment. The candidate submits an application to the Judicial Council for appointment as a JP. When the application is received, the JP Administrator at the Office of the Chief Judge reviews it, and obtains reference letters, a police record check, a credit history and a driving record. The Regional Administrative Judge in the relevant region interviews the candidate. The applicant must successfully complete the JP basic training course and the final examination. The Judicial Council then considers the complete application and forwards the names of recommended applicants to the Attorney General for consideration for appointment by the LGIC.

In 2013, the Judicial Council received 13 applications for appointment as a Court Services Justice of the Peace. Of these, one was for appointment as an Auxiliary Judicial Case Manager (requiring appointment as a JP), and 12 were for appointment as a Court Services Justice of the Peace or a Back-up Judicial Case Manager. The council reviewed and recommended 13 applications to the Attorney General.

Justice of the Peace Adjudicators

Justice of the Peace Adjudicators are senior members of the legal profession who adjudicate civil claims under \$5,000 at the Vancouver and Richmond Court Registries. JP Adjudicators are required to hold a JP commission as part of their qualifications for the position.

Judicial Case Managers

Judicial Case Managers (JCMs) are officers of the judiciary who manage cases and schedule judicial hearings and are assigned responsibilities by the Chief Judge. JCMs are required to hold a JP commission as part of their qualifications for the position. When an applicant becomes a potential candidate for employment as a JCM through a government posting process, the

applicant must apply for a JP commission. The application proceeds through the Judicial Council approval process for Justices of the Peace described above.

Court Services Justices of the Peace

Court Services Justices of the Peace work in Court registries throughout the Province. In addition to their JP duties, which are assigned by the Chief Judge, they hold various administrative positions in the Court Services Branch of the Ministry of Justice, such as Court Manager, Administrator and Court Clerk.

Court Services JPs perform such functions as:

- Swearing Informations and arranging for the process to bring accused persons to Court to answer new charges
- Attending to the execution of Court orders made by Judges and Judicial Justices
- Determining whether a person qualifies to be a “surety” to guarantee an accused’s bail
- Generally, performing other duties required of a “justice” under the *Criminal Code*, but being primarily administrative in nature and not requiring the exercise of material judicial discretion

When a local job posting requires the office holder to perform JP duties, the successful applicant submits an application to the Judicial Council, and the application proceeds through the Judicial Council approval process for Justices of the Peace described above.

6. Judicial Education

Judge Education

New Judges receive an orientation program. They attend new judges' education conferences, travel to various regions in the Province, are mentored by experienced Judges, and observe in Court. In the first two years following their appointment, Judges attend the New Judges Training Program presented by the Canadian Association of Provincial Court Judges, the Newly Appointed Provincial and Territorial Judges Skills Seminar presented by the National Judicial Institute, and a Judgment Writing Program presented by the Court. In addition, new Judges attend, from time to time, additional seminars organized or sponsored by the Office of the Chief Judge.

Judges also regularly attend the semi-annual education conferences organized by the Education Committee of the Provincial Court Judges Association.

The Education Committee presents education conferences in the spring and the fall for a total of four and a half days of education programming. The sessions in the spring and the fall of 2013 covered a wide range of topics, including:

<i>Spring</i>	<i>Fall</i>
<ul style="list-style-type: none"> • Judicial independence • Driving impairment by a drug: The drug recognition evaluation and other issues of proof • Extra-judicial consequences that befall the impaired driver: What they are and how they can (or should) affect sentencing • <i>R. v. Ipeelee</i> and <i>R. v. Gladue</i> considered • An update concerning selected Supreme Court of Canada jurisprudence in criminal law • Judicial security: Keeping you safe • <i>Family Law Act</i> • The care and control of children under the <i>Family Law Act</i> • Managing litigants and court processes • Family mobility cases 	<ul style="list-style-type: none"> • Credibility assessment and selected evidentiary issues • Mental health • The voice of experience • Overnight assessments pursuant to section 672.11, etc. • Sentencing youth with mental health issues • Fetal alcohol spectrum disorder (FASD) • Preventing wrongful convictions • <i>The Charter</i> • The role of the trial judge in the criminal context • The rule of law

In addition, Judges of the Court are entitled to five days of education leave to attend education conferences using their professional allowance. In the past year, Judges have attended courses including:

- Association of Family and Conciliation Courts Conference
- Human Rights in the Administration of Justice

- American College of Forensic Psychology Symposium
- American Judges Association Conference
- Annual International Organization of Judicial Training Conference
- British Legal History Conference
- Canadian Association of Provincial Court Judges 2013
- Cambridge Lectures
- Canadian Bar Association, BC Branch: Lessons Learned for Preventing Wrongful Convictions
- Canadian Chapter of the International Association of Women Judges Conference
- Continuing Legal Education - The New *Family Law Act*: Gearing Up Your Practice
- Commonwealth Magistrates' and Judges Association 16th Triennial Conference
- Commonwealth Law Conference
- Federation of Law - Criminal Law Program
- Howard League for Penal Reform
- International Academy of Law and Mental Health Conference
- International Association of Women Judges London Conference
- Judges' Language Training
- National Association of State Judicial Educators Conference
- National Association of Drug Court Professionals Training Conference
- National Bar Association Conference
- National Council of Juvenile and Family Court Judges
- National Judicial Institute - Evidence Workshop
- National Judicial Institute - Hearing and Deciding Charter Issues
- National Lesbian, Gay, Bisexual and Transgender Bar Association Conference and Career Fair
- National Symposium Criminal Law Reform

The Provincial Court of British Columbia continues to be at the forefront of judicial education for Judges in Canada. The continuing success of the Court's education programs is due in large part to the volunteer efforts of the Provincial Court Judges Association's Education Committee and the many Judges who volunteer at the conferences. Judges also participate regularly in continuing education opportunities for Judges in other jurisdictions, as well as for lawyers and the public.

Judicial Justice Education

When first appointed, Judicial Justices are provided with training and orientation specific to their assignments and experience levels. Generally, this takes the form of courses in law and criminal procedure, as well as observation and on-the-job training, in relation to conducting bail hearings, determining applications for search warrants and other judicial authorizations, and conducting traffic and payment hearings.

Judicial Justices also attend semi-annual education seminars, presented by the Judicial Justices Association Education Committee and the Office of the Chief Judge. Together, the Committee and the Office of the Chief Judge arrange presentations by judges, JJs, members of the bar and other expert speakers.

In 2013, the following wide range of topics were covered at the spring and the fall conferences (which included presentations by guest speakers, including Charles Hough, Public Prosecution

Service of Canada; Sam McLeod, Superintendent of Motor Vehicles, Province of British Columbia; Winston L. Sayson, QC, Crown Counsel; and Verna Mendes):

<i>Spring</i>	<i>Fall</i>
<ul style="list-style-type: none"> • Judicial Interim Release in the context of the new <i>Family Law Act</i>, including protection orders and prosecutions under section 127 of the <i>Criminal Code</i> • Search warrants • <i>Immigration and Refugee Protection Act</i> • Case updates 	<ul style="list-style-type: none"> • Judicial Interim Release involving allegations of domestic violence including considerations involving revocation of bail under section 524 of the <i>Criminal Code</i> • The traffic violation process • The criminal law and the <i>Charter</i> 2013 Conference • Forensic toxicology • Fare infraction review referral process

In addition to the semi-annual conferences, the JJ Education Committee hosts regular Education Nights at the Justice Centre. In 2013, the topics included bail hearings and search warrants; and evidentiary issues in sexual assault cases. From time to time, JJs are also approved to attend educational conferences provided by other organizations on topics relevant to their jurisdiction.

Judicial Case Manager Education

The JCMs of the Court generally have an annual conference presented by the Office of the Chief Judge under the supervision of the Administrative JCM. The Administrative JCM also provides ongoing on-the-job training and support. In 2013, to provide additional training to support the development of the Provincial Court Scheduling Project, two conferences were held.

Justice of the Peace Adjudicator Education

When a JP Adjudicator is first appointed to conduct “Simplified Trials” as part of the Small Claims process, an orientation is provided. JP Adjudicators continue to engage in ongoing legal education as members of the Law Society. JP Adjudicators also meet periodically with the Chief Judge and others in the Office of the Chief Judge to discuss the Small Claims reform initiative.

Court Services Justice of the Peace Education

Court Services JPs receive training through a basic JP course prior to their appointment. They then receive ongoing on-the-job training and experience in the conduct of their duties, a JP manual issued by the Office of the Chief Judge and assistance from a Legal Officer to the Chief Judge.

In 2013, JP basic education programs were held in April and October at the Office of the Chief Judge.

7. Complaints

Under the *Act*, the Chief Judge has the power and the duty to supervise judicial officers (Judges, Judicial Justices and Justices of the Peace) of the Court, and is required under section 22.1(1) to examine all complaints respecting judicial officers. The Chief Judge must report, in writing, to the complainant and the judicial officer following an examination.

The *Act* also requires, under section 22.1(2), that the Chief Judge conduct an investigation respecting the fitness of a Judicial Officer to perform his or her duties if the Chief Judge considers that an investigation is required, or if directed to do so by the Attorney General. The result of an investigation may include corrective action or an order for an inquiry to determine whether the judicial officer is fit to perform his or her duties.

In the event the Chief Judge or the Attorney General orders an inquiry into the fitness for office of a judicial officer, the judicial officer may elect, under section 24 of the *Act*, to have the Council act as the tribunal for that inquiry. The alternative tribunal is a Judge of the Supreme Court, who is designated by the Chief Justice of the Supreme Court.

The Judicial Council's role with respect to public complaints involving Judicial Officers also includes the statutory object of improving the quality of judicial service. As Presiding Member of the Judicial Council, the Chief Judge reports to the Council as needed regarding certain complaints as they bear upon the Council's interest in the overall quality of judicial service.

In 2013, no formal inquiries into the fitness for office of a judicial officer came before the Judicial Council.

8. Other Matters

The Judicial Council has responsibility for preparing and revising a judicial code of ethics. The [Code of Judicial Ethics](#) (PDF) and the [Justice of the Peace Code of Ethics](#) (PDF) are available at the Judicial Council [website](#).

The Council is also responsible for reporting to the Attorney General on matters the Attorney General considers necessary. No such matters were raised for action in 2013.

9. Financial Expenses Incurred by the Judicial Council of British Columbia

Support services, boardroom and catering expenses are provided to the Judicial Council by the Office of the Chief Judge, Provincial Court of British Columbia.

For the year 2013, honorariums were paid to non-judicial members of the Judicial Council. The following table details all meeting honoraria paid to members of the Judicial Council in 2013.

Name	Allowable Honorarium Per Meeting	Meetings Attended	Total Remuneration
The Honourable Chief Judge T. Crabtree	\$0	13	\$0
The Honourable Associate Chief Judge G.S. Gill	\$0	13	\$0
The Honourable Judge K. Skilnick (Provincial Court Judges Association of B.C. President, 2013)	\$0	13	\$0
Administrative Judicial Justice P. Schwartz	\$0	11	\$0
Mr. K. Walker, QC* (Law Society of BC Nominee)	\$250	13	\$3,000
Ms. K. L. Simmons, QC (CBABC Branch President, 2013)*	\$250	14	\$3,250
Ms. K. Kirkpatrick*	\$250	8	\$1,750
Dr. D. Cherniwchan*	\$250	10	\$2,500
Mr. L. MacLean, QC*	\$250	12	\$2,750
<i>The Honourable Judge L. Mrozinski (Provincial Court Judges Association of B.C. President, 2014)†</i>	\$0	2	\$0
<i>Mr. D. Crawford (CBABC Branch President, 2014)* †</i>	\$0	2	\$0
<i>Ms. J. Lindsay (Law Society of BC, President, 2014 Nominee) * †</i>	\$0	2	\$0

* Non-judicial members of the Judicial Council

† Judge Mrozinski, Mr. Crawford and Ms. Lindsay attended the Judicial Council as incoming members for 2014.

10. Public Access to the Judicial Council

Any members of the public who have a question that they wish to direct to the Chief Judge as Presiding Member of the Judicial Council, or to the Judicial Council as a whole, whether arising from this Report or for any other reason, may do so in writing addressed to:

Judicial Council of British Columbia
337 - 800 Hornby Street
Vancouver, British Columbia V6Z 2C5



Nanaimo, B.C.

Appendix A: Judicial Council of British Columbia Procedure Bylaw

In this bylaw:

- (1) “Applicant” means an applicant for appointment as a Provincial Court Judge.
 - (2) “Council” means the Judicial Council of British Columbia.
 - (3) “Chair” means the Chief Judge or the alternate presiding member, appointed under the *Provincial Court Act*, where the Chief Judge does not attend a meeting of the Council.
1. The Council is a continuing body notwithstanding any change in membership. The Council may complete any proceedings commenced before a change in membership.
 2. The majority of the members of the Council are a quorum. A quorum must be present to hold any meeting, or to pass any resolution.
 3. All powers of the Council may be exercised by resolution. An act or proceeding of the Council is valid when authorized or adopted by resolution at a meeting of the Council, provided that:
 - (a) A resolution to approve an applicant for appointment will be defeated if any two members vote against approval. A resolution that an applicant not be approved for appointment will succeed if two or more members vote in favour of the resolution. Members present for such resolutions may not abstain.
 - (b) A resolution to approve an applicant for interview will succeed if any three members vote in favour of the resolution.
 - (c) To pass any other resolution at a meeting of the Council, there must be a majority vote of the quorum in favour of the resolution. Each member has one vote but, in the event of a tie, the Chair must cast a second and deciding vote.
 4. Where any member has a conflict with respect to an applicant, or where there may be a reasonable apprehension of bias in respect to a member, that member shall be disqualified from participating in the interview of the applicant and shall not participate in any vote with respect to the applicant. Such member shall refrain from involvement in all proceedings or discussions relating to the applicant. Any question regarding whether a member is in conflict or whether there is a reasonable apprehension of bias shall be resolved by general resolution. If disqualification of a member through conflict or bias reduces the number of members present below a quorum, the interview or vote in respect to the applicant must be adjourned to a time when a quorum is present.
 5. The Chair will preside at all meetings of the Council, except when the Chair is not available, in which case, the alternate presiding member must preside.

6. The Council will meet approximately 10 times per year, as scheduled from time to time by the members at a meeting. Notice of the time and place of meetings will be given by the Chair to each member. Any member may attend any meeting of the Council.
7. The Council and its committees may meet in person, via telecommunications or a combination of both. All in-person meetings of the Council will be held in Vancouver unless the Council resolves to hold a meeting elsewhere within British Columbia. All in-person meetings of committees of the Council will be held in British Columbia at a place resolved by each committee. Notwithstanding the above, all meetings involving interviews of candidates or matters of discipline of Judges shall be done in person.
8. Meetings of the Council will be private and confidential, but the Council may invite non-members to attend all or part of a meeting of the Council, except a meeting or a part of a meeting at which candidates are interviewed or votes are taken.
9. The Chair will preserve order at meetings and decide all points of order which may arise, subject to an appeal of any other member present. If an appeal is taken by a member from a decision of the Chair, the question will be decided, without debate, by a majority vote of the quorum.
10. A bylaw relating to the procedure of the Council may be made or amended by a general resolution passed at a meeting of the Council of which written notice was given in advance to all members.
11. The minutes of all meetings of the Council will be distributed to the members, adopted by resolution at the next meeting of the Council, and then signed by the Chair.
12. Where appropriate, the agenda of meetings of the Council will include:
 - (a) minutes of previous Council meetings or committee meetings;
 - (b) matters arising out of the minutes;
 - (c) communications and inquiries;
 - (d) reports from the Chair, or a committee;
 - (e) applications for appointment;
 - (f) disciplinary matters;
 - (g) new business;
 - (h) approval of expenses; and
 - (i) next meeting.
13. The Council may, from time to time, by general resolution, establish standing committees, as required. The chair of each standing committee will be named by the Chief Judge, and the Chair and the members will be approved by the Council.
14. In addition to the standing committees, the Chair, or Council, by general resolution, may establish a select committee to consider any matter. The Chair will name the chair of such committees and the Council may name its members. A select committee may only consider the matter specifically referred to it by the Council or by the Chair.

15. The proceedings of all committees will be subject to the approval of the Council. The minutes of all committee meetings will be circulated to all members of the Council in advance of the Council meeting next following the meeting of the committee.
16. Minutes of a committee and resolutions set out in a committee's minutes will be deemed approved by the Council as of the date of the next Council meeting following their circulation, unless a Council member requests the Chair to call a vote at such meeting. The effective date of a committee resolution must be no earlier than the date of the next Council meeting following the meeting of the committee.
17. Except for judicial members, a member attending a meeting of the Council, a meeting of a committee, or other business on behalf of the Council as authorized by the Chair, is entitled to receive payment of an allowance in such amount the Lieutenant Governor in Council considers appropriate and any travel or out-of-pocket expenses.
18. This bylaw does not apply to the Council acting as a tribunal of inquiry under the *Provincial Court Act*.
19. With respect to procedural issues not covered by this bylaw, *Roberts Rules of Order* shall govern.

Procedure Bylaw adopted this 23rd day of March, 2001 at a meeting of the Judicial Council of British Columbia. Minor amendments to this Procedure Bylaw were subsequently adopted at a meeting of the Judicial Council on May 24, 2013.

Appendix B: Excerpt from *Provincial Court Act*

PROVINCIAL COURT ACT

[RSBC 1996] CHAPTER 379

Judicial council

- 21 (1) The judicial council of the court is continued.
- (2) The members of the council are the following:
- a. the Chief Judge as presiding member;
 - b. the Associate Chief Judge as alternate presiding member or, if 2 or more Associate Chief Judges are designated, the Associate Chief Judge designated as alternate presiding member by the Lieutenant Governor in Council;
 - c. the president of the Law Society of British Columbia or a person nominated by the president;
 - d. the president of the British Columbia Branch of the Canadian Bar Association or a person nominated by the president;
 - e. by appointment of the Lieutenant Governor in Council for a term of not longer than 3 years, a Judge and not more than 4 other persons.
- (3) If the Chief Judge does not attend a meeting of the judicial council, the alternate presiding member must preside.
- (4) If in a proceeding before the council there is no majority decision, the presiding member must cast a second and deciding vote.
- (5) The Lieutenant Governor in Council may authorize payment to council members who are not Judges an allowance for their duties on the council in an amount the Lieutenant Governor in Council considers appropriate.

Object of council

22 The object of the council is to improve the quality of judicial service, and its functions include the following:

- a. considering proposed Lieutenant Governor in Council appointments of Judges and justices;
- b. conducting inquiries respecting Judges and justices;
- c. considering proposals for improving the judicial services of the court;
- d. continuing the education of Judges and organizing conferences of Judges;
- e. preparing and revising, in consultation with the Judges, a code of ethics for the judiciary;
- f. reporting to the Attorney General on the matters the Attorney General considers necessary.

Appendix C: Analysis of Applications to the Judicial Council

Applications and Outcomes

Figure C.1 shows the history of applications, interviews and recommendations for appointment by the Council over a 10-year period. It indicates trends in application rates and a comparison of candidate approval rates. (These figures reflect the Council’s activities in the year specified, which include reviews and interviews of applicants from the prior year, and are not reflective of the results of applications made in a particular year.)

Figure C.1 shows that, while the number and gender distribution of applicants has remained generally constant, a greater proportion of women applicants has been recommended for appointment in recent years.

**Figure C.1: Applications for Recommendation for
Appointment as a Provincial Court Judge
2004 – 2013**

Year	Applications Received			Applications Reviewed			Applicants Approved for Interview			Applicants Interviewed			Applicants Recommended		
	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F
2013	46	33	13	48	33	15	28	17	11	24	11	13	11	4	7
2012	34	18	16	46	23	23	22	9	13	21	9	12	12	7	5
2011	44	26	18	52	35	17	24	16	8	21	17	4	12	9	3
2010	47	31	16	48	31	17	15	13	2	28	19	9	17	13	4
2009	59	39	20	86	52	34	27	16	11	21	13	8	7	5	2
2008	54	31	23	67	39	28	28	14	14	21	13	8	13	8	5
2007	89	57	32	81	48	32	27	19	8	25	16	9	11	8	3
2006	55	35	20	47	34	13	19	16	3	15	12	3	7	5	2
2005	41	29	12	41	30	11	20	13	7	28	17	11	16	10	6
2004	47	29	18	58	39	19	34	24	10	29	22	7	10	10	0

The average annual number of applications received per year for the last 10 years was 52. The three years with the highest number of applications received were 2007, with an all-time high of 89 applications; 2009, with 59 applications; and 2006, with 55 applications. The average annual number of applications reviewed for interview over the last 10 years was 57, but on average, only 42 percent, or 24 applicants per year, were approved for an interview.

Of the 11 applicants who were recommended for appointment in 2013, four (or 36 percent) were male; seven (or 64 percent) were female. The Council notes that, according to the [2012-2013 Annual Report](#) of the Provincial Court, as of March 31, 2013, 33 percent of full-time judges are female; according to the Law Society of British Columbia’s 2012 [Report on Performance](#), the profession is comprised of 36 percent women. (“Profession” is defined as lawyers registered with the Law Society and practising.)

Age and Gender

The average age of applicants to the Court in the last two years was 52, with an average of 22 years in practice. The average age of male applicants has declined slightly to 53 years, while the average age of women has remained constant at 51 years.

Figure C.2: Applicants by Age and Gender (2004 - 2013)

Year	Total	Male	%	Average Age	Female	%	Average Age
2013	46	33	72%	53	13	28%	51
2012	34	18	53%	55	16	47%	51
2011	44	26	59%	52	18	41%	51
2010	47	31	65%	52	16	35%	50
2009	59	39	66%	51	20	34%	47
2008	54	31	57%	51	23	43%	52
2007	89	57	64%	51	32	36%	48
2006	55	35	64%	52	20	36%	45
2005	41	29	71%	54	12	29%	47
2004	47	29	62%	50	18	38%	45

Years of Experience

From 2011 to 2013, applicants have had an average of 21.8 years of practice. Male applicants had an average of 23.7 years of practice, while female applicants had 20. Of those who applied in 2013, female applicants had, on average, four years less practice experience (18 years) than their male counterparts (22 years).

Figure C.3: 2011 - 2013 Applicants - By Gender - Years of Experience

Year	Gender	Applicants	Years of Practice
2013	Male	33	22
	Female	13	18
2012	Male	18	26
	Female	16	23
2011	Male	26	23
	Female	18	19

Area of Practice

New and renewed applications to the Court came from various fields of private practice, as well as from Crown Counsel and other areas such as Judges from other jurisdictions, Judges returning from other appointments and staff of the Law Society.

While applications from private practice tend to form about two-thirds of the total number, in 2013 they formed 74 percent, up from 41 percent in 2012. Crown Counsel formed 17 percent and applications from other areas formed nine per cent of the total number in 2013.

Figure C.4: Applicants by Gender and Area of Practice (2009 – 2013)

Type of Practice		Private	Crown Counsel	Other Areas
2013	Total	34	8	4
	M	28	1	4
	F	6	7	0
2012	Total	19	10	5
	M	10	4	4
	F	9	6	1
2011	Total	27	12	5
	M	16	6	4
	F	11	6	1
2010	Total	30	10	7
	M	22	5	4
	F	8	5	3
2009	Total	32	10	17
	M	24	6	9
	F	8	4	8

New and Renewed Applications

Figure C.5 shows the breakdown of applications based upon the number of new and renewed applicants. The figures in each column reflect the outcome of applications considered by the Judicial Council in the specified year.

Figure C.5: New and Renewed Applications by Year (2004 - 2013)

	NEW APPLICATIONS:		RENEWED APPLICATIONS:	
	Total	Recommended After Interview	Total	Recommended After Interview
2013	22	9	24	2
2012*	21	8	13	4
2011	28	8	16	4
2010	29	9	18	8
2009	35	6	24	1
2008	33	10	21	3
2007	59	8	30	3
2006	43	6	12	1
2005	34	12	9	4
2004	33	6	14	4

** Subsequent to the publication of the 2012 Annual Report, a discrepancy for the figures in 2012 was discovered. The Annual Report has now been updated and the correct figures are published in this Annual Report. The above figures are incomplete, since not all persons applying in any given year had been interviewed by the end of the year.*

The annual number of new applicants is relatively stable with the exception of a significant spike in 2007, following which the applications returned to the pre-2007 levels.

In 2013, there was an increase in the number of applicants renewing their applications to the Judicial Council after previously being unsuccessful. ("Unsuccessful" applicants include those not granted an interview, as well as those interviewed but not recommended or appointed.) In 2013, the number of new and renewed applications from applicants in public practice has remained steady, while the number of new and renewed applications from those in the private sector has increased. The number of renewed applications from the private sector in 2013 more than doubled from the previous year.