



Judicial Council of British Columbia

ANNUAL REPORT 2016





JUDICIAL COUNCIL
OF
BRITISH COLUMBIA

July 26, 2017

The Honourable David Eby
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 you with the Judicial Council of British Columbia's 2016 Annual Report.

The Council's primary responsibility is to recommend candidates of the highest qualifications for judicial office. The work of the Judicial Council during the past year includes the review of applications and the interviewing of applicants seeking an appointment to the Provincial Court.

I am pleased to note that the number of applications for appointment as a Provincial Court Judge increased in 2016 to 43 from 27 in the previous year. Including applications from 2015, the Council reviewed 30 applications for appointment as Provincial Court Judge, interviewed 24 applicants and recommended 13 for the bench. The Council also reviewed applications for appointment as Judicial Justice, Justice of the Peace Adjudicators and Justices of the Peace.

The Judicial Council strives to make the application process as transparent as possible and encourages applications from candidates of diverse backgrounds. In 2016, 17 out of the 43 applications received, included information pertaining to diversity. The Council's efforts toward transparency, recognized by the Canadian Bar Association in 2013, will continue to be a priority.

In 2016, the Judicial Council commenced the process to transition from a hard copy application to an electronic, online application form. It is anticipated the new online application will be available in the coming year.

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.provinciacourt.bc.ca.

I wish to express my appreciation to the members of the Judicial Council for their many contributions to the work of the Council during this past year. The members of the Judicial Council are listed in the full report. To the departing members, I offer my sincere thanks and appreciation for all of their dedicated service to the public during their time on the Council.

Sincerely,

Thomas J. Crabtree
Chief Judge, Provincial Court of British Columbia
Presiding Member, Judicial Council of British Columbia

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Judicial Council of British Columbia

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2016 JUDICIAL COUNCIL ANNUAL REPORT: SUMMARY

The Judicial Council of British Columbia was established by the provincial government in 1969 and given the responsibility to improve the quality of service provided by the judicial officers of the Provincial Court. The Court's judiciary is made up of Judges, Judicial Justices and other judicial officers with specific roles. (See [page 8](#) for information on the types of judicial officers and their roles.)

The main functions of Judicial Council are to recommend and advise the Lieutenant Governor in Council on the appointment of Provincial Court Judges, Judicial Justices and Justices of the Peace; to oversee the delivery of education for judicial officers; and when necessary, to undertake inquiries into the conduct of judicial officers.

Each year, the Judicial Council reports to the Attorney General on its activities. This report summarizes the membership and activities of Judicial Council in 2016.

Members of Judicial Council

The Judicial Council is composed of judges, lawyers and non-judicial members representing perspectives from both within and outside the judiciary. Four of its nine members are appointed by the Lieutenant Governor in Council. The other members include the Chief Judge, an Associate Chief Judge, the President of the Provincial Court Judges' Association of B.C., and the presidents (or their nominees) of the Law Society of B.C. and the B.C. Branch of the Canadian Bar Association.

Judicial Appointments

In Canada, judges are appointed to provincial courts by the province's Lieutenant Governor in Council (the Lieutenant Governor acting on the advice of the provincial Cabinet). In British Columbia, the Judicial Council screens and recommends candidates for appointment to the judiciary. The provincial Attorney General selects from the candidates approved by Judicial Council and makes recommendations to Cabinet for appointments.

The Judicial Council has established criteria for judicial appointments that include a wide range of specific competencies. These competencies help to ensure that the candidates appointed 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 requires detailed applications to be submitted and requests the assistance of the B.C. Branch of the Canadian Bar Association and the Law Society of B.C. to investigate each applicant. Following a successful review of the application, the Council will interview and recommend the most capable candidates to the Attorney General.

The Judicial Council attempts to ensure that the diversity of B.C.'s population is reflected on the Provincial Court bench. It analyzes factors such as the applicants' gender, age, ethnicity, residential region and type of practice.

In 2013, the Council revised the judicial application forms to include information relating to the applicants' ethnic or cultural background on a voluntary basis. In 2016, 17 of the 43 applications included ethnic and cultural information. Four applicants were Aboriginal, nine applicants indicated they were members of an ethnic or minority group, and four indicated they were members of a diverse group.

In 2016, applications were received from each region of the province (except the OCJ region). The Council recommended seven men and six women from all regions for appointment to the Provincial Court bench. It interviewed and recommended one applicant as a Judicial Justice, and recommended 36 applicants for appointment as Court Services Branch Justices of the Peace.

Judicial Education

The Judicial Council supports Judges, Judicial Justices and other judicial officers in ongoing judicial education. For Provincial Court Judges, this includes new judges' programs, court observation and mentorship by experienced judges, travel to various districts in the province, and fall and spring conferences. Judicial education is currently organized on behalf of the Judicial Council of B.C. with support

from the Office of the Chief Judge (OCJ), by the education committee of the Provincial Court Judges' Association, and the education committee of the Judicial Justices' Association, along with volunteer Judges and Judicial Justices. The Provincial Court's [annual report](#) lists the education opportunities available to judicial officers.

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

Other Matters

In addition to recommending applicants and overseeing judicial education, the Judicial Council has the responsibility for certain other matters respecting Judges and Judicial Justices. These include improving judicial service, investigating complaints when necessary and preparing a Judicial Code of Ethics. In December 2014, the Judicial Council adopted the Ethical Principles for Judges published by the Canadian Judicial Council (CJC) in 1998. It provides a general framework of values and considerations to guide judicial officers in their conduct. The full text of the [Ethical Principles](#) is located on the CJC website.

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

In 2016, the Judicial Council received **43** applications for appointment as a Provincial Court Judge, interviewed **24** applicants, and recommended **13** candidates for the bench.

INTRODUCTION AND MEMBERSHIP OF THE JUDICIAL COUNCIL

Role of the Judicial Council

The Judicial Council of British Columbia (“Judicial Council” or “Council”) is a statutory body with the main object of improving the quality of service provided by the judicial officers of the Provincial Court of British Columbia. [The Provincial Court Act](#), R.S.B.C. 1996, c. 379 (the “Act”) continued the Council and gave it functions including:

- Screening candidates applying for appointment as Judges, Judicial Justices, Justices of the Peace, and retired Judges applying for reappointment;
- Conducting inquiries regarding the conduct of judicial officers;
- Considering proposals for improving the Court’s judicial services;
- Continuing the education of judicial officers;
- Preparing and revising a Code of Ethics for the judiciary; and,
- Reporting to the Attorney General on matters he or she considers necessary.

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

Judicial Officers

The Judicial Council has responsibilities regarding various judicial officers. Those officers’ roles are as follows:

- Judges – judicial officers appointed to conduct trials, hearings and conferences in the Provincial Court of British Columbia
- Judicial Justices – judicial officers appointed and assigned a variety of judicial duties, including presiding in court to hear traffic and other ticketable offences, some municipal bylaw matters, payment hearings in Small Claims Court, and applications for bail and search warrants at the Justice Centre. Some conduct criminal arraignment hearings and deal with applications under the Criminal Code at the Victoria Integrated Court.
- Justice of the Peace Adjudicators – lawyers holding a Justice of the Peace commission who conduct simplified trials for civil claims up to \$5,000 in the Vancouver and Richmond Provincial Court locations.
- Judicial Case Managers – judicial officers responsible for providing efficient court scheduling and coordination of all matters within a judicial region. They hold a Justice of the Peace commission and may preside as a justice in uncontested, non-adjudicative appearances before trial.
- Court Services Justices of the Peace – individuals who hold a Justice of the Peace commission and swear informations, issue

summonses and warrants of arrest, do remands, and handle uncontested bail. They also approve sureties, perfect bail, and decide on the detention of seized property. In addition to these duties they hold various administrative positions in the B.C. Ministry of Justice Court Services Branch including Court Manager, Administrator and Court Clerk.

Membership of Judicial Council

The members of Judicial Council, as prescribed by the [Provincial Court 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 or her or his designate
- the President of the Law Society of British Columbia or a person nominated by the President
- the President of the British Columbia Branch of the Canadian Bar Association or a person nominated by the President
- by appointment of the Lieutenant Governor in Council for a term of not longer than three years, not more than four other persons

The members of Judicial Council in 2016 were as follows:

The Honourable Chief Judge Thomas J. Crabtree, Presiding Member

The Honourable Associate Chief Judge Gurmail S. Gill, Alternate Presiding Member (until June 30, 2016)

The Honourable Associate Chief Judge Susan E. Wishart, Alternate Presiding Member (as of July 1, 2016)

The Honourable Judge David St. Pierre, President, Provincial Court Judges' Association of British Columbia (2016)

Ms. Jan Lindsay, QC, Representative, Law Society of B.C. (2016)

Ms. Jennifer Chow, QC, President, Canadian Bar Association, B.C. Branch (2016)

Retired Administrative Judicial Justice Patricia Schwartz

Ms. Karin Kirkpatrick

Mr. Lorne N. MacLean, QC

Mr. Gordon C. McRae

JUDICIAL COUNCIL 2016



Judicial Council of British Columbia 2016

Back row, left to right: Retired Administrative JJ Patricia Schwartz; Mr. Gordon McRae; Judge David St. Pierre; Ms. Jennifer Chow, QC

Front row, left to right: Mr. Lorne MacLean, QC; Ms. Jan Lindsay, QC; Chief Judge Thomas Crabtree; Ms. Karin Kirkpatrick

Missing from photo: Judge Gurmail Gill; Associate Chief Judge Susan Wishart

The Honourable Chief Judge Thomas J. Crabtree, Presiding Member

Appointed Chief Judge April 8, 2010

Chief Judge Thomas (Tom) Crabtree was born in London, England in 1955, raised in the Fraser Valley of British Columbia, and received a B.A. from the University of British Columbia in 1978. He received a Bachelor of Laws degree from the University of Victoria in 1983 and was called to the British Columbia bar in 1984. He practised criminal and civil litigation in the Fraser Valley. He is married with two adult children.

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.

Chief Judge Crabtree has contributed to a number of committees of the Court, including the B.C. Provincial Court Judges' Association's education committee, acting as chair from 2004 to 2008. He participated in the Provincial Court Journalism Students' Education Program, and chaired the 2007 joint education conference of the Canadian Association of Provincial Court Judges, the American Judges Association and the B.C. Provincial Court Judges' Association. He also chaired the Provincial Court's education review committee and represents the Court on the Continuing Legal Education Society of B.C.'s Board of Directors. In addition, Chief Judge Crabtree is a member of the Canadian Council of Chief Judges, where he chairs the education committee and is a member of the access to justice committee. He also sits on the Access to Justice B.C. Committee and the Board of Governors of the National Judicial Institute (NJI). Over the past two years the Chief Judge has participated on a project with the Justice Education Society focused on the delivery of timely justice in the Magistrates' Court in Guyana.

Over the past few years Chief Judge Crabtree has spoken at a number of education conferences including those organized by the Continuing Legal Education Society of B.C., the Canadian Institute for the Administration of Justice, the International Society for the Reform of the Criminal Law and the NJI.



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

Appointed to Judicial Council June 24, 2010 - June 30, 2016

Associate Chief Judge Gill was appointed as a Judge of the Court in 1994, and sat at the Surrey Provincial Court. In 1996 Judge Gill took approximately two years leave from sitting duties to chair the 4th B.C. Royal Commission on Workers Compensation. His work on that commission produced comprehensive recommendations for reform to the system, including the design of a new legislative framework for occupational health and safety.

In 2007, Judge Gill became the Administrative Judge for the South Fraser Judicial District.

In 2009, he was appointed Associate Chief Judge, with delegated responsibility for judicial administration of the Court. Judge Gill served as a member of the Court's strategic planning committee and also chaired a number of court committees mandated to improve access to justice through the use of court technology. He has served as the representative of the Canadian Council of Chief Judges on the board of directors of the Canadian Centre for Court Technology. Judge Gill also represented the Court on the Canadian Association of Provincial Court Judges Committee on the Law, and as judicial liaison to the British Columbia Law Institute.

Judge Gill stepped down from his role as Associate Chief Judge and as Alternate Presiding Member of Judicial Council in June 2016, and has since returned to regular sitting duties.

The Honourable Associate Chief Judge Susan E. Wishart, Alternate Presiding Member

Appointed to Judicial Council July 1, 2016

Associate Chief Judge Wishart was appointed to the Provincial Court of British Columbia in March of 2009, serving Victoria, Duncan and the Western Communities. In November of 2014 she was elected president of the Provincial Court Judges' Association and in that capacity served as a member of Judicial Council for the year 2015.

In May of 2016 Judge Wishart was appointed Associate Chief Judge and appointed to Judicial Council commencing in July of 2016. As Associate Chief Judge, she serves on various committees including access to justice initiatives, court technology, and business intelligence. She has participated in changes to the Small Claims Rules and the Court's planning to accommodate the implementation of the Civil Resolution Tribunal in 2017. She is also involved with the specialized courts across the province including First Nations Courts, Downtown Community Court and Drug Treatment Court in Vancouver, and Victoria Integrated Court.

The Honourable Judge David St. Pierre, President, Provincial Court Judges' Association

Appointed to Judicial Council, January 1, 2016

Judge St. Pierre was born in Vancouver, B.C. He completed his undergraduate degree with a Specialization in Psychology at the University of Alberta. He later attended the University of Calgary Law School. Upon graduation in 1994, Judge St. Pierre took articles in Vancouver and practiced in the area of criminal law. He left his firm of Cobb, St. Pierre, Lewis, a criminal defence firm, in 2009 when he was appointed to the Provincial Court bench.

Judge St. Pierre currently sits in Vancouver at 222 Main Street and regularly sits throughout the Vancouver Region. Judge St. Pierre is active as a guest presenter and lecturer for Continuing Legal Education, The Canadian Bar Association, the University of British Columbia Law School and School of Journalism, Kwantlen Polytechnic University, The Justice Education Society and various community groups.

Judge St. Pierre is the 2016 President of the B.C. Provincial Court Judges' Association.

Retired Administrative Judicial Justice Patricia Schwartz

Appointed to Judicial Council December 31, 2010 - December 31, 2016

Reappointed to Judicial Council as a Member December 31, 2016

Ms. Schwartz has extensive experience in the Provincial Court of British Columbia, serving as the Acting Operations Manager at the Office of the Chief Judge and as a Judicial Case Manager. In 2001 she was appointed a Judicial Justice and presided at the Justice Centre and in Traffic Court. She also served as an Administrative Judicial Justice for a number of years.

In the community, Ms. Schwartz has served on the board of directors for City Hall Daycare, the École Pauline Johnson After School Care program, and the Vancouver Skating Club. She attended Capilano University, has completed government management courses, and attended biannual seminars for Judicial Justices.

Ms. Schwartz recently retired after 35 years of working in the Provincial Court. She is proud to continue her work on Judicial Council as a non-judicial member.

Ms. Karin Kirkpatrick, Member

Appointed to Judicial Council July 8, 2011

Ms. Kirkpatrick is the CEO of Family Services of Greater Vancouver, a charitable organization that has been providing services to support families, adults, youth and children in the Lower Mainland for more than 89 years. She previously served as the CEO for the Private Career Training Institutions Agency (PCTIA), a provincial crown corporation, and CEO of the Real Estate Foundation of British Columbia. Ms. Kirkpatrick also spent six years as Assistant Dean and adjunct professor in the Sauder School of Business, University of British Columbia.

In addition, Ms. Kirkpatrick is a provincial appointee to the Judicial Council of British Columbia, a member of the Land Awards Committee of the Real Estate Foundation of B.C., and was previously on the boards of the Vancity Community Foundation and the B.C. Council for International Education. In 2012, Ms. Kirkpatrick received the Queen's Diamond Jubilee Medal and was a nominee for the YWCA's Women of Distinction Awards. In 2014 she was placed on the Canadian Board Diversity Council's (CBDC) "Diversity 50" list as an eligible candidate for Board representation.

Ms. Kirkpatrick holds a Master of Laws (LLM), International Law and Practice, from the University of Edinburgh; a Master of Business Administration (MBA), Human Resource Management, from Royal Roads University; and is a Chartered Professional Accountant (CPA), and Certified Management Accountant (CMA).

Mr. Lorne N. MacLean, QC, Member

Appointed to Judicial Council March 8,
2012 - December 31, 2016

Lorne MacLean, QC, is the founding partner of MacLean Law. Established in 1983, the family practice has since expanded across British Columbia with offices in Vancouver, Surrey, Kelowna and Fort St. John. Mr. MacLean practices family law in high-net-worth and complex family law disputes, including spousal and child support, property division, child custody, guardianship and access, and marriage-like relationships.

Mr. MacLean has had the honour of making two appearances before the Supreme Court of Canada on behalf of appellants in complex family law cases. In addition to client work, Mr. MacLean has published on numerous topics relating to B.C. family law. He has served as a guest lecturer at the UBC Law School and with the Canadian Bar Association, B.C. Branch. He is often called upon to speak about "Grey Divorce & Wealth Preservation" and has chaired programs at the Pacific Business & Law Institute. He was called to the bar in B.C. in 1983 after receiving his Juris Doctorate at Osgoode Hall, and was appointed as Queen's Counsel in 2012.

Mr. MacLean loves writing and blogging on family law matters and just had his article on Grey Divorce entitled "Tips to keep your golden years golden after divorce" published in Business in Vancouver.

Ms. Jan Lindsay, QC, Representative, Law Society of B.C.

Appointed to Judicial Council January 1,
2014 - December 31, 2016

Born in Vancouver, Ms. Lindsay obtained a Bachelor of Laws in 1980 at the University of British Columbia and began practising in 1981.

She has worked in civil litigation since that time, with an emphasis on insurance matters and personal injury claims. She was appointed Queen's Counsel in 2009.

Ms. Lindsay has also been involved in Law Society activities since 2000. She has served on a number of committees including the executive committee, complainants review, discipline, practice standards and credentials committees, the rule of law and lawyer independence advisory committee, and the retention of women in the legal profession task force. From 2006 to 2014, she was one of three benchers representing Westminister County.

Ms. Lindsay was elected as second vice-president of the Law Society in 2011 and served as president of the Law Society of British Columbia in 2014.

Ms. Jennifer Chow, QC, President, Canadian Bar Association, B.C. Branch

Appointed to Judicial Council January 1,
2016 - December 31, 2016

Jennifer Chow, QC, is Senior Counsel with the federal Department of Justice (DOJ) in Vancouver and leads teams on complex cases in the areas of constitutional, administrative, Aboriginal and commercial litigation. She has extensive litigation experience and has appeared at all levels of court, including the Supreme Court of Canada.

Ms. Chow served as President of the Canadian Bar Association, B.C. Branch (CBABC) in 2015-16 and represented the branch on Judicial Council in 2016. She chaired and served on a number of CBABC committee executives, including the Women Lawyers Forum and the branch's Equality and Diversity committee. Outside the CBABC, Ms. Chow served as a member of the Law Society of B.C.'s Disciplinary Hearing Panels as well as its Equity and Diversity committee, and is a former director of Dress for Success Vancouver. She is a passionate advocate for equality and diversity issues in the legal profession.

Ms. Chow actively mentors new lawyers and law students through the CBABC and the B.C. Federation of Asian Canadian Lawyers. Her contributions to continuing legal education include: establishing the joint CBABC-DOJ professional development course which celebrates its ninth anniversary this year; lecturing at the University of Victoria's Law School on Aboriginal law topics; and speaking at various Continuing Legal Education (CLEBC), DOJ and client departmental courses. She sits on the editorial board of the CLEBC's B.C. Administrative Law Practice Manual. Ms. Chow received the CBABC Community Service Award in 2010 and was appointed as Queen's Counsel in 2016. She holds a Bachelor of Arts (Dalhousie), a Juris Doctorate (Allard School of Law) and a Master's in Public Administration (University of Victoria).

Mr. Gordon C. McRae, Member

Appointed to Judicial Council November 7, 2017

Gordon McRae retired from the Royal Canadian Mounted Police (RCMP) in June 2009 after a 40 year career. He was appointed to the Immigration Board in January 2010 and served until March 2016 as an adjudicator in the Refugee Protection Division and later the Refugee Appeals Division.

Before his retirement from the RCMP Mr. McRae was the Superintendent in charge of the economic crime section for British Columbia. Previously he was an Inspector for the North Vancouver Department, Inspector for the Economic Crime section in Newfoundland and Staff Sergeant for the Commercial Crime Section in Saskatchewan.

He was seconded to the United Nations in 2000 and served as the Canadian Contingent Commander and Director of Operations for the United Nations Mission in Kosovo (2000-2001).

Mr. McRae is a recipient of the Order of Merit for Police Forces (2007), the RCMP Long Service Medal, the Canadian Peace Keeping Medal, the United Nations Medal (Kosovo) and received the Deputy Commissioners Commendation. Mr. McRae holds his Bachelor of Human Justice (Criminology) from the University of Regina.

MEETING SCHEDULE AND BUSINESS CONDUCTED

The Judicial Council's process is governed by a [Procedure Bylaw](#) adopted in 2001. The Council meets once a month to review applications for appointment as a Provincial Court Judge, Judicial Justice and Justice of the Peace. The Council also conducts interviews of applicants for the position of Provincial Court Judge and Judicial Justice during its meetings.

The 2016 meetings were held on January 15, February 19, March 18, April 8, May 20, June 24, July 8, August 26, September 16, October 21, November 10 and December 9.

Once a year there is a joint meeting held between the Judicial Council and the Canadian Bar Association (CBA) Judicial Advisory Committee to discuss the quality and importance of the reports provided on applicants. The 2015 meeting was deferred and held on February 27, 2016. A webinar was conducted for those members who could not attend in person. The regularly scheduled meeting took place on November 19, 2016 and the new Chair of the CBA Judicial Advisory Committee, Ms. Julie Lamb, was introduced.

Associate Chief Judge Gill completed his term as the Alternate Presiding Member after the June 24, 2016

meeting and Associate Chief Judge Wishart was welcomed as the new Alternate Presiding Member at the July 8, 2016 meeting. Incoming member for 2017, Mr. Michael Welsh, attended the November 10, 2016 meeting as a guest to observe proceedings. Mr. Gordon McRae was introduced as a new member at the December 9, 2016 meeting.

In 2016, the Council received 43 applications for Provincial Court Judge and reviewed 30 (including some carried over from 2015). The Council approved 24 applications for interview, interviewed 24 and recommended 13 for appointment. The Council reviewed one application for Judicial Justice, interviewed one and recommended one for appointment. It received and reviewed 37 applications for appointment as Justice of the Peace and recommended 36.

The figures reflect the Council's activities in the 2016 year, but may include reviews, interviews or appointments of candidates who applied in the previous year. Details are included in the following sections and further analyzed in [Appendix A](#).

Members of Judicial Council continuously speak to legal organizations about the work of Judicial Council and strongly encourage qualified candidates from all backgrounds to consider making an application for judicial office.

Judge David St. Pierre

President, Provincial Court Judges' Association (2016)
Appointed to Judicial Council January 1, 2016



I have very much enjoyed this important task. Having gone through the process of tendering an application for the Provincial Court bench and having sat nervously through an interview by Judicial Council, I feel like I have some "insider" knowledge of the thorough processes involved.

Of course, having now had this experience of sitting on Judicial Council, I have a great appreciation of the importance of seeing and hearing from candidates in person. As the great Bo Diddley once sang, "You can't judge an apple by looking at a tree, You can't judge honey by looking at the bee". I would add that you can't judge a judge by simply looking at some words on some paper.

I feel very humbled and fortunate to have contributed in some small way to the addition of some stellar judicial appointments to the already talent-filled bench that I proudly call my colleagues.

APPOINTMENT PROCESS FOR PROVINCIAL COURT JUDGES

Judges are appointed to the Provincial Court by the Lieutenant Governor in Council (LGIC) on the recommendations made to the Attorney General by Judicial Council, in accordance with section 6 of the *Provincial Court Act*. The process of making a recommendation begins with an application being sent to the Judicial Council, and proceeds to a rigorous examination of an applicant's professional standing, reputation, abilities and other relevant factors.

The *Provincial Court Act* gives Judicial Council the object of improving the quality of judicial service. Therefore, the approval process must ensure that only the most exceptional applicants who are unquestionably capable of meeting the demands of judicial service be recommended for appointment. The Council has identified a set of criteria and competencies for an applicant seeking appointment as a Provincial Court Judge to meet:

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

Application and Approval Process

APPLICATION

Applicants for judicial appointment submit a Judicial Candidate Application form that they can download from the Provincial Court [website](#) (download [Doc file](#)). A Judicial Candidate Process Summary, also available online (download [PDF](#)), outlines the entire process from application to appointment. In 2016 work commenced and is currently underway to transition to an online application system that will replace the paper forms in late summer of 2017.

Once an application is submitted, an extensive investigation follows. The Council strives to ensure that applicants understand and consent to this.

INQUIRIES

Upon receipt of an application, a report on the applicant is requested from the Judicial Advisory Committee of the Canadian Bar Association B.C. Branch (CBABC). Committee members make inquiries of members of the profession and others listed as references on the application form about an applicant's reputation and suitability for judicial office. This process takes several months but provides valuable insight for Council members during the review process. The Council is indebted to the CBABC Judicial Advisory Committee members for the diligence and hard work they bring to this task.

In addition to the CBA report, a report is requested from the Law Society of B.C. which details any history of complaints against the applicant. Other relevant reports received include the applicant's

credit, driving and criminal record background.

The Chief Judge also solicits comments from other Judges, Judicial Justices and Supreme Court Justices who may be familiar with the applicant. Persons identified as references by the applicant, and some who are not, may be contacted unless the applicant specifically requests that someone not be contacted and provides reasons for that request. All inquiries are conducted discreetly, but strict confidentiality cannot be guaranteed.

REVIEW

Once the inquiries are complete and all required 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 who have already been approved for an interview but not yet scheduled. Generally, interviews occur within a year of receipt of the application package. Applicants not approved for an interview are not notified.

INTERVIEW

Interviews are conducted at the Office of the Chief Judge in Vancouver. At least five members of the Council must be present for a quorum. Applicants are asked a series of questions designed to assess their suitability for judicial appointment and asked to address any issues raised during the inquiry process.

RECOMMENDATION

Following the interview, the Council votes to determine whether to recommend the candidate for appointment. If two or more members are not in favour of an applicant, the applicant is not recommended.

The names of recommended applicants are added to a list for consideration by the Attorney General when the need for a Provincial Court appointment arises. The name remains on the list for three years from the date of the interview. Applicants are not advised whether they are added or removed from the list.

The Attorney General may select a candidate from the list and provide the name to the LGIC for appointment at any time. In 2016, the LGIC appointed 11 candidates from the list.

REAPPLICATION

An applicant who has been interviewed but not appointed within 2.5 years of the date of the interview is eligible to reapply for appointment. It is common for applicants to reapply at least once before being appointed by the LGIC. Interviewed applicants must advise the Council if at any time they wish to withdraw their application.

Applications and Outcomes

In 2016, the Judicial Council received 43 applications, reviewed 30 and approved 24 for an interview. The Council interviewed 24 applicants and recommended 13 for appointment. The number of applications received was slightly lower than the 10-year average and the number reviewed was significantly lower. The applicants approved for interview, interviewed and recommended were roughly the same as the 10-year average. The number of applicants appointed was slightly lower than the previous year, however, remained above the 10-year average.

The LGIC appointed 11 Provincial Court Judges, three more than the 10-year average.

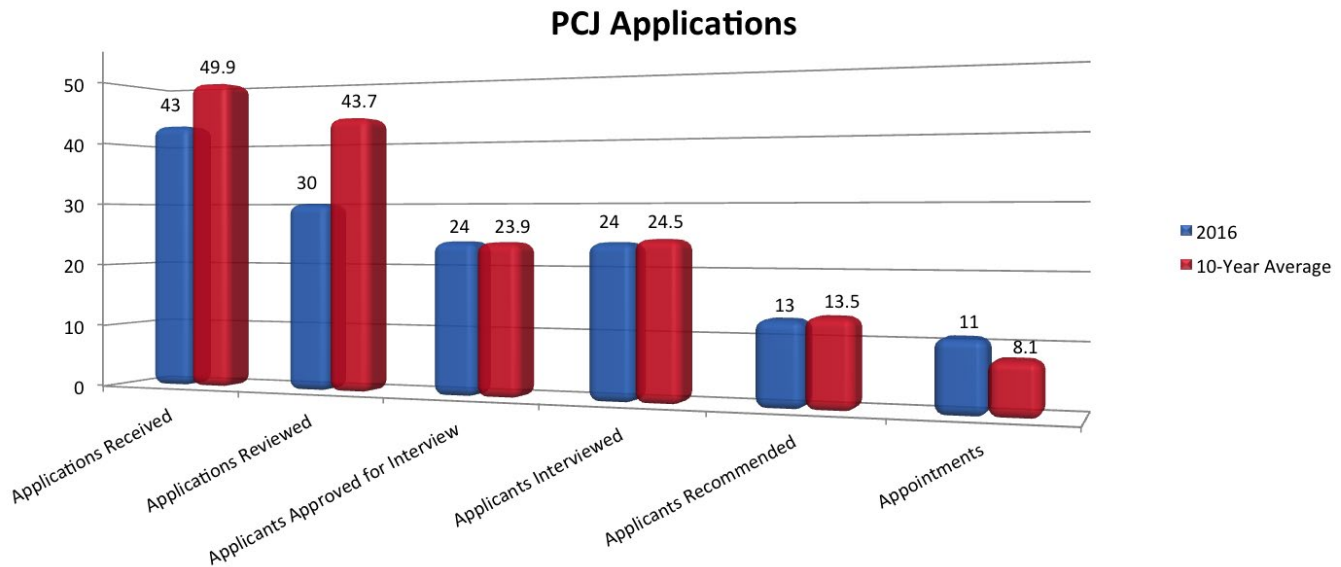
In 2016, 56 per cent of applicants received an interview, 30 per cent were recommended, and 26 per cent were appointed.

Over the 10-year period from 2007 to 2016, the Council received an average of 50 applications a year for appointment as a Judge. The Council reviewed an average of 44, interviewed an average of 25 and of those, recommended an average of 14 applicants for the bench.

In this 10-year period, an average of 50 per cent of applicants received an interview, and 27 per cent were recommended for appointment. An average of eight Provincial Court Judges have been appointed each year, constituting approximately 16 per cent of the average number of total applicants

The number of applicants interviewed and recommended rose significantly in 2014 due to the Council's efforts to speed the process. Having reduced a backlog by conducting more interviews in 2014, the Council was able to approach its average number of interviews in 2015 and 2016. Figure 1 shows a comparison between 2016 figures to the 10-year average.

Figure 1: Applications for Appointment as Provincial Court Judge (2016 and 10-Year Average)



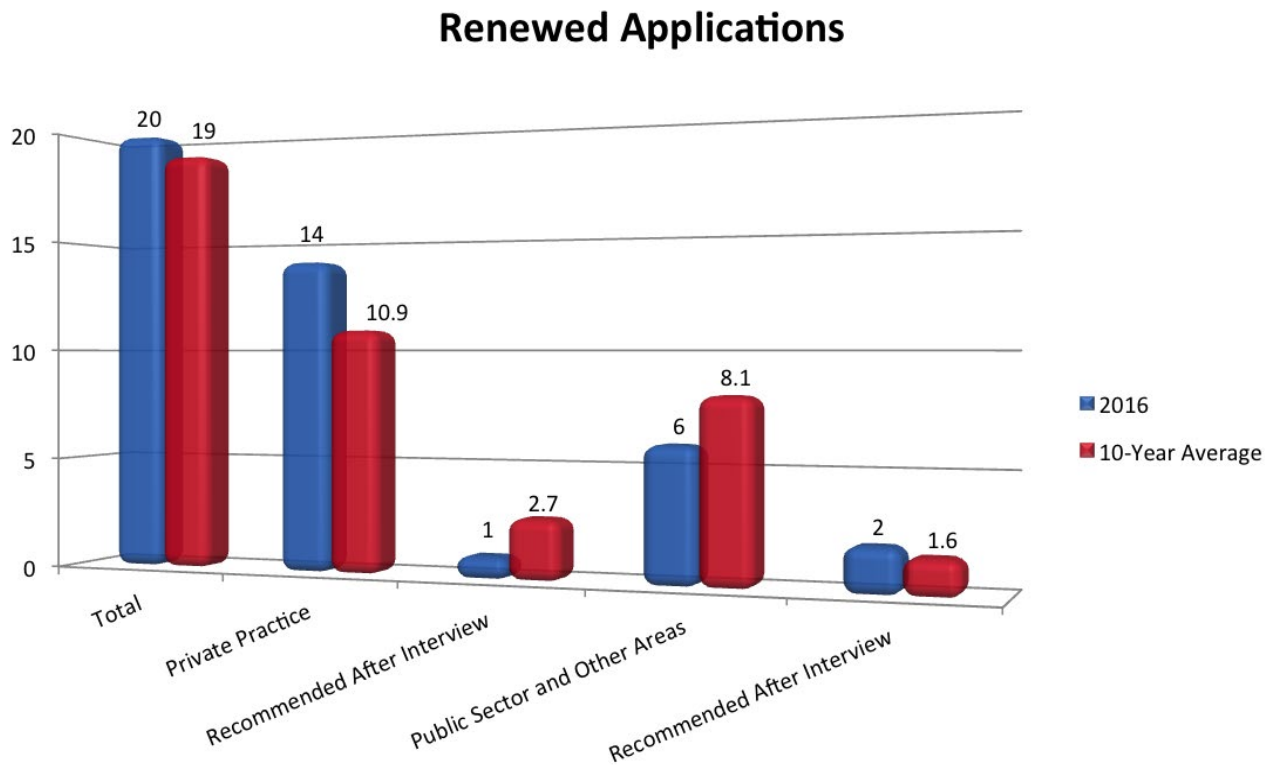
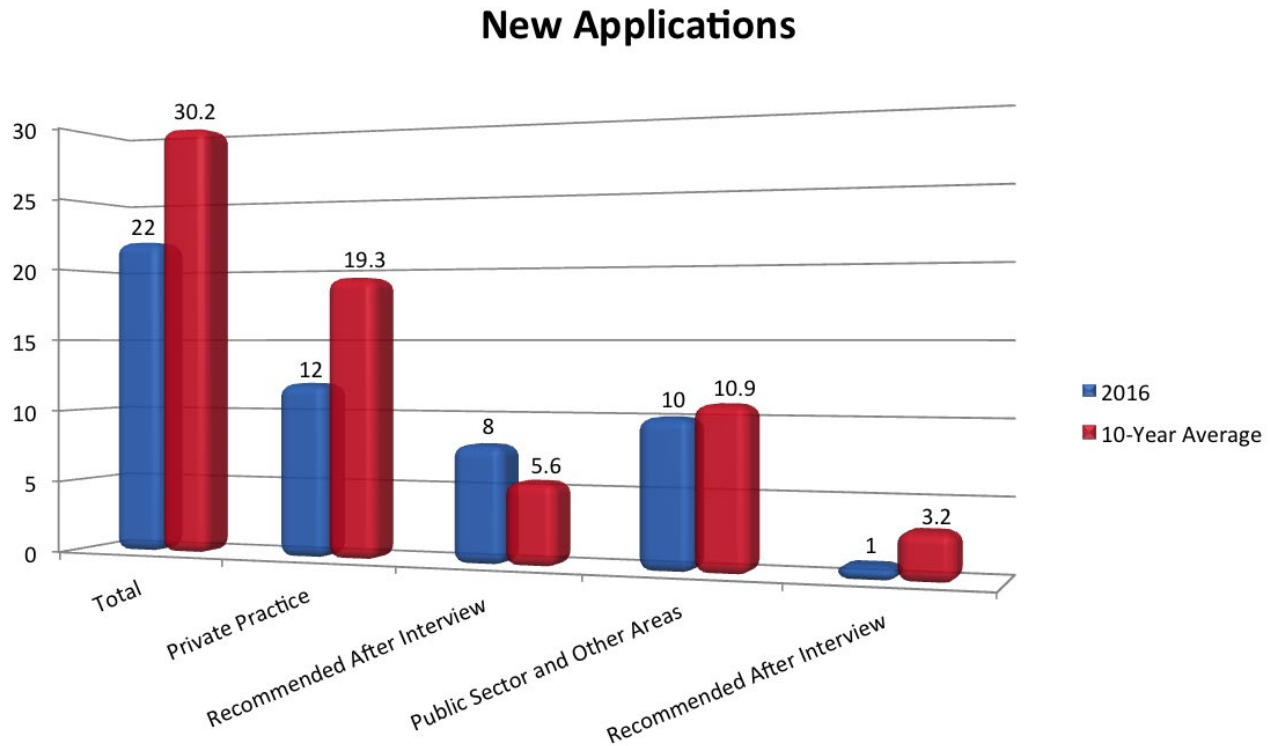
[Appendix A: Analysis of Applications to the Judicial Council](#) provides complete tables of data on all applications submitted within the last ten years. It includes details on the number of applicants, the progression through the review process and various demographic factors. Improvements have recently been made to the database to produce more accurate data. As a result, the figures may not match those of previously published reports. See [Figure A.1](#) for the yearly data.

New and Renewed Applications

Applicants who are interviewed, but not appointed, are eligible to reapply 2.5 years from the date of their interview. The Judicial Council has received an average of 19 renewed applications in each of the past 10 years, compared to 30 new applications. On average over the 2007 to 2016 period, the Council has recommended 29 per cent of new applications compared to 22 per cent of renewed applications.

In 2016, the number of renewed applications from previously unsuccessful applicants increased significantly from 7 to 20. ("Unsuccessful" applicants include those who are not granted an interview, as well as those interviewed but not recommended or appointed.) The Council recommended 3 previously unsuccessful applicants for appointment in 2016. See [Figure A.2](#) for a complete list of figures.

Figure 2: New and Renewed Applications by Year and Sector



Demographics

In 2016, there was an average of 26 candidates each month on the list of applicants recommended for appointment. As of December 31, 2016, there were 23 candidates on the list; 11 males and 12 females.

GENDER

In 2016, the number of male applicants was slightly greater than female applicants, which is a shift from the previous two years that had more female applicants.

The number of female applicants (20) increased to just slightly exceed the 10-year average of 19.8. Although the number of female applicants reviewed was lower than average, the number of females approved for interviews, interviewed, recommended, and appointed equalled the 10-year average.

The number of male applicants in 2016 (23) increased significantly from the previous year but remained below the 10-year average of 30. Consequently, the number of males reviewed, interviewed and recommended was greater than 2015 but varied in comparison to the 10-year averages.

In 2015, more female applicants were appointed to the bench than males; however, in 2016, 8 males and 3 females were appointed.

Figure 3 compares the numbers of applicants in 2016 and over a 10-year period.

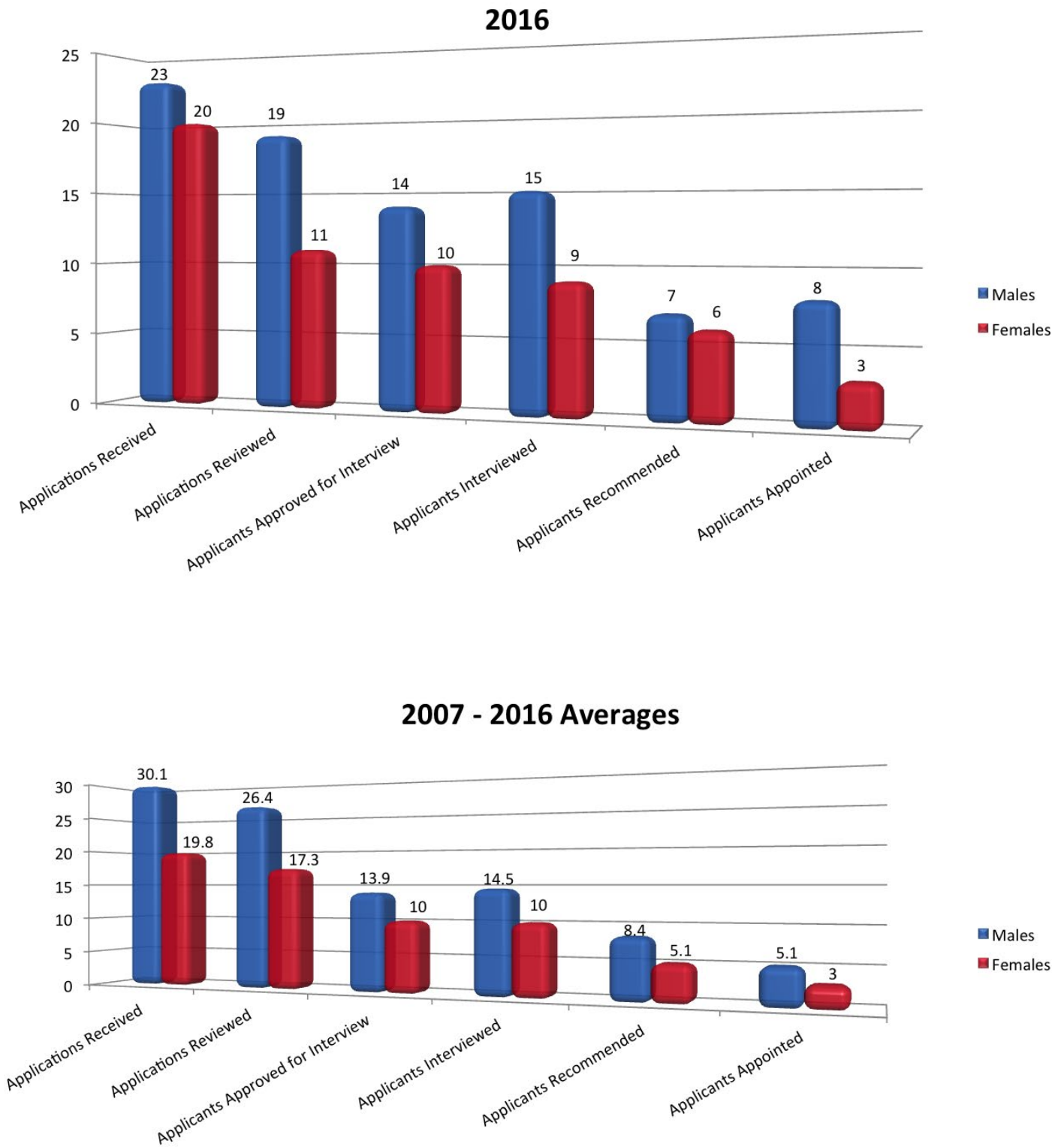
AGE, YEARS AND AREA OF PRACTICE

The average age of applicants to the Court in 2016 remained 52 years, with an average age for males of 52.9 years, and 50 years for females. From 2007 to 2016, applicants had an average age of 51.4 years, with 52.9 years for males and 50 years for females. See [Figure A.3](#) for a complete list of figures.

Applicants in 2016 had an average of 22 years in the practice of law: 24 years for males and 20 years for females. From 2007 to 2016 they had an average of 21.7 years of practice: 23.5 years for males and 19.8 years for females. See [Figure A.4](#) for a complete list of figures.

Applicants to the Court come from various fields - private practice, Crown Counsel, and other types of legal work. While applicants from private practice tend to form about 61% of the total number, in 2016 they formed slightly more with 62 per cent. Crown Counsel formed 29 per cent and applicants from other areas formed only 9 per cent of the total number in 2016. See [Figure A.5](#) for a complete table of figures.

Figure 3: Male and Female Applicants, 2016 and 10-Year Averages



Jennifer Chow, QC

President, Canadian Bar Association, B.C. Branch (2016)

Appointed to Judicial Council January 1, 2016

As CBABC Branch President, I hold the honour of representing the branch on Judicial Council in 2016. The members of Judicial Council are entrusted with the responsibility of vetting and recommending the highest qualified candidates for judicial appointment to the Provincial Court. Along with the detailed applications, Judicial Council is also provided with detailed reports prepared by the CBABC Branch's Judicial Advisory Committee.

At each meeting, I have had the privilege of working alongside Chief Judge Crabtree and my other esteemed Council members with their keen insights and unique perspectives. Together, we review each application carefully, with a commitment to excellence and diversity. We also focus on the unique human qualities each applicant brings to the table, given the important family, criminal, child protection and small claims issues raised in the "people's court." Being appointed to Judicial Council is a highlight of my year, and allows me to contribute in my own way to ensuring a strong and diverse judiciary. I will always remember this experience.



Applicants and Appointments by Region

In April 2014, the Provincial Court reorganized its 12 districts to form 5 regions, plus an OCJ Region to serve specific communities. Figure 4 demonstrates the number of applications received and appointed from each of the regions.

In 2016, 11 out of 43 applicants were appointed to the Court: 3 to the Vancouver Island Region, 1 to the Vancouver Region, 4 to the Fraser Region, 2 to the Interior Region, 1 to the Northern Region and 0 to the OCJ Region.

Figure 4: Applicants and Appointments by Region

			Vancouver Island	Vancouver	Fraser	Interior	Northern	OCJ Region	Outside B.C.
2016	Applicants	#	6	9	10	9	8	0	1
		%	14%	21%	23%	21%	19%	0%	2%
	Appointments	#	3	1	4	2	1	0	0
		%	27%	9%	36%	18%	9%	0%	0%
2015	Applicants	#	2	7	10	5	3	0	0
		%	7%	26%	37%	19%	11%	0%	0%
	Appointments	#	1	1	6	1	2	2	0
		%	8%	8%	46%	8%	15%	15%	0%
2014	Applicants	#	11	15	7	10	5	0	2
		%	22%	30%	14%	20%	10%	0%	4%
	Appointments	#	1	1	2	0	1	1	0
		%	17%	17%	33%	0%	17%	17%	0%
2013	Applicants	#	8	21	4	8	5	0	0
		%	17%	46%	9%	17%	11%	0%	0%
	Appointments	#	2	1	4	3	0	0	0
		%	20%	10%	40%	30%	0%	0%	0%
2012	Applicants	#	8	13	4	5	4	0	1
		%	23%	37%	11%	14%	11%	0%	3%
	Appointments	#	1	0	5	1	4	0	0
		%	9%	0%	45%	9%	36%	0%	0%

Diversity

The Judicial Council recognizes the importance of having a judiciary that reflects British Columbia's diverse population. Not only does diversity on the bench eliminate an implicit barrier to under-represented groups applying for judicial appointment, but it also strengthens the fairness of the bench and enhances public confidence in the administration of justice. The Council believes that cultural representation on the bench encourages mutual respect, as well as sensitivity to and understanding of those who appear before judicial officers in Court.

In 2012, the Chief Judge, as Presiding Member of the Judicial Council, requested the assistance of the Canadian Bar Association, B.C. Branch and the Law Society of British Columbia to encourage a broad range of applicants for judicial office in the Provincial Court of British Columbia. The Council's aim is to strengthen the court by ensuring there is a diverse pool of highly qualified applicants, reflective of the general population in the province, from which the LGIC can appoint judicial officers. To this end, the Council acknowledges the work of the Law Society of British Columbia and, in particular, the June 2012 report of the [Equity and Diversity Advisory Committee](#).

At its 2013 annual meeting, the CBA Judicial Advisory Committee recognized the Judicial Council of British Columbia's yearly publication of statistics on applications for appointment to the Provincial Court as a good model of transparency. The CBA passed a [resolution](#) calling for Canada's Minister of Justice to make appointments that reflect the diverse nature of the Canadian population by including persons of different genders, ethnicities, visible minorities and Aboriginal applicants.

The Council's first step in encouraging a diverse range of applicants was to be as transparent and open as possible about the process while preserving the need for confidentiality. Its second step was to invite the CBA and the Law Society to encourage those from among their ranks to apply. Following his 2012 letter, the Chief Judge spoke at information

sessions for the B.C. bar in 2013 and 2014 about building diversity on the bench, and encouraged other Provincial Court Judges to make presentations on the importance of diversity. The Council's third step, which is ongoing, is to highlight the results in terms of the applicants' diverse backgrounds.

In June 2013, the Judicial Council amended its judicial application forms to invite applicants to include, on a voluntary basis, their ethnic or cultural information. In 2014, the collection of this information commenced, and 18 out of 50 applicants answered the three new questions on the application form. Two of those 18 identified themselves as Aboriginal, 12 as part of an ethnic or visible minority group, and four as belonging to another "diverse group."

In 2015, 11 of 26 applicants answered those questions and volunteered information on their ethnic or cultural backgrounds. Of these, none indicated Aboriginal heritage, five indicated they were members of an ethnic or minority group and six indicated they were members of a diverse group.

In 2016, 17 of 43 applicants provided information on their ethnic or cultural backgrounds. Four were of Aboriginal heritage, nine indicated an ethnic or visible minority background, and four identified themselves as being part of a diverse group.

Visible minority and diverse groups identified by applicants included: Chinese, Indo-Canadian, South Asian, East Indian, Filipino, Jewish, Hungarian, Indigenous, Western European, child of European immigrants, parent of adopted children from outside Canada, and LGBTQ. The Judicial Council notes these answers in its overall assessment of applicants, but does not assign any particular weight to them. Figure 5 summarizes the responses received from 2014 to 2016.

The Judicial Council will continue to review and revise its processes to encourage a wide cultural range of applicants and to make merit-based recommendations that reflect the diversity of British Columbia's population.

Figure 5: Diversity Responses in Judicial Applications (2014–2016)

Diversity		Aboriginal	Ethnic/Visible Minority	Diverse Group
2016	Total	4	9	4
	M	3	4	1
	F	1	5	3
2015	Total	0	5	6
	M	0	2	3
	F	0	3	3
2014	Total	2	12	4
	M	0	4	1
	F	2	8	3

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. Judicial Justices are assigned by the Chief Judge to preside over matters within their statutory jurisdiction, including traffic and other ticketable offences, payment hearings in Small Claims Court and applications for bail and search warrants at the Justice Centre. Some Judicial Justices may have assignments that include managing cases and hearing preliminary matters in the Victoria Integrated Court, as well as some municipal bylaw matters.

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:

- At least five years in the practice of law (Those with less legal practice experience may be 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
- Respected and valued member of the community
- Good health
- Appreciation of and experience with diversity
- Willingness to travel and to sit in all subject areas

Competencies:

- Commitment to continuing education
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
Flexibility, Responsibility, imagination, commitment to efficient administration
- Fairness, diplomacy, some administrative experience preferred

Role of the Judicial Council in the Appointment of Judicial Justices

Applicants for appointment as a Judicial Justice submit a Judicial Justice Candidate Application form, which they can download from the Provincial Court [website](#) (download [Doc file](#)). Work commenced in 2016 and is currently underway to transition to an online application system that will replace the paper forms in late summer of 2017.

When received, applications are initially reviewed in a process similar to that for Judges. The application and the investigation results are reviewed by the Council to decide whether the applicant will be interviewed. The Council invites successful candidates to attend an interview.

Candidates who are interviewed are not notified of whether they have been recommended for appointment. Names of applicants recommended for appointment remain on the list for three years. Applicants are eligible to reapply three years after the date the application is submitted or two and one-half years from the date of an interview.

In 2016, one application was reviewed, one was interviewed, one was recommended and appointed.

APPOINTMENT PROCESS FOR JUSTICES OF THE PEACE

Justices of the Peace fill several important functions within the British Columbia justice system, ranging from adjudicating specific types of cases to managing and scheduling caseloads. More than 300 Justices of the Peace serve in various court locations throughout the province. All are subject to the supervisory authority of the Chief Judge, and are appointed by the Lieutenant Governor in Council by way of recommendation from the Judicial Council.

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

- **Justice of the Peace Adjudicators (JPAs)** preside at the Robson Square and Richmond court locations, hearing small claims cases and simplified trials up to \$5,000. JPAs are senior members of the legal profession who serve part time. They are required to hold a Justice of the Peace commission as part of their qualifications for the position.
- **Judicial Case Managers (JCMs)** are judicial officers who manage cases and schedule hearings and trials. They are assigned responsibilities by the Chief Judge. JCMs are required to hold a Justice of the Peace commission. Applications for appointment as a JCM proceed through the Judicial Council approval process for Justices of the Peace described below.
- **Court Services Justices of the Peace (CSJPs)** work in the court registries throughout the province. In addition to the Justice of the Peace duties 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. There are also CSJPs assigned to the Justice Centre in Burnaby.

Duties assigned to CSJPs include:

- Swearing informations, issuing summonses and warrants of arrest, handling uncontested bail and remands
- Attending to the execution of court orders made by Judges and Judicial Justices
- Approving sureties, perfecting bail and deciding on the detention of seized property
- Generally, performing other duties required of a "Justice" under the Criminal Code that are primarily administrative in nature and do not require the exercise of material judicial discretion

The Process for Appointment of a Justice of the Peace Adjudicator

A list of qualified lawyers is obtained through expressions of interest received from members of the legal profession directly by way of recommendation. A Judge is assigned to review the resumes of these lawyers and select the most qualified candidates. Judicial Council determines how many candidates to select and whether interviews are to be conducted. The process also involves conducting background checks and obtaining Law Society of B.C. reports of those selected. Once the applications are complete they are provided to the Judicial Council for review and consideration.

The Process for Appointment of a Court Services Branch Justice of the Peace

A Court Manager in the relevant court location contacts the JP Administrator at the Office of the Chief Judge when the Court requires a JP appointment.

The candidate submits an application to the Judicial Council for appointment as a CSJP. 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 Lieutenant Governor in Council.

In 2016, the Judicial Council reviewed 37 applications for appointment as a Court Services Branch Justice of the Peace and recommended 36 applicants for appointment.

Lorne MacLean, QC

Member of Judicial Council

Appointed to Judicial Council March 8, 2012

As a senior family law lawyer, I had the privilege of spending 5 years on Judicial Council. I was honoured to work with some of the finest legal minds from the judiciary, CBA, Law Society and other professionals. The Council's passion to ensure we obtained excellence in our proposed provincial judicial candidates was palpable at every meeting I attended.

A judge must be intelligent but must also be compassionate in ensuring justice is done. The Provincial Court is the tip of the spear of justice in B.C. because it handles the majority of the criminal and family law cases in our province. There is no margin for error when you are dealing with people who are often facing their most daunting life challenges.

In criminal cases, a judge must not lose sight of the fact that the accused is a father, a mother, a son or a daughter. Ensuring justice is done in a manner that protects the public, in due process and upholding the rights of the accused, is critical. A judge must also focus on ensuring that the accused, if found guilty, gets on a path to being a productive member of society. A judge must also be prepared to face the backlash for unpopular decisions and remain confident that he or she has done the right thing.

As a family lawyer, my passion was ensuring judicial candidates understood that family law touches and impacts more Canadians than any other area of law. Family clients in Provincial Court are often self-represented. They are scared and stressed, and family judges must help parties resolve matters so they can move forward. People often ask me who the winners in family law cases are and I invariably tell them, "The winners are those family clients who can move forward to a successful post separation life free of bitterness and recrimination." Even bigger winners are the children of these parents when they are free to focus cooperatively on ensuring their children grow up to be healthy, productive adult members of society.

The candidates we select are ones who have proven themselves through a rigorous screening process to be stellar, resilient and indefatigable.



JUDICIAL EDUCATION



The Judicial Council is responsible for and fully supports continuing education for judicial officers of the Court. Continuing education is provided in a number of different ways including orientation for newly appointed judges, informal mentoring and ongoing education programs delivered for two and one-half days, twice per year.

The Council delegates the authority to develop and manage these education programs to several committees for each type of judicial officer. The Office of the Chief Judge provides administrative and support services to these committees. The annual report of the Provincial Court of British Columbia contains a yearly report on the Court's education plan for Judges, Judicial Justices and other judicial officers. For details, please see the most recent [annual report](#) of the Provincial Court of British Columbia.

COMPLAINTS

Under the *Provincial Court Act*, the Chief Judge has the authority and the duty to supervise the Court's Judges, Judicial Justices and Justices of the Peace. The Chief Judge, under section 22.1(1) of the Act, must examine all complaints respecting judicial officers and report the result of the examination, in writing, to the complainant and the judicial officer.

The *Act* also requires, under section 22.1(2), that the Chief Judge conduct an investigation of the fitness of a judicial officer to perform his or her duties when 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 that the Chief Judge or the Attorney General directs 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 Judicial Council act as the tribunal for that inquiry. The alternative tribunal is a Justice of the Supreme Court, designated by the Chief Justice of the Supreme Court.

The Judicial Council's role in public complaints involving judicial officers also helps it fulfill its responsibility to improve the Court's judicial services. As Presiding Member, the Chief Judge reports to the Council regarding complaints that may affect the overall quality of judicial service. Complaints can demonstrate a need for judicial education on a particular topic.

In 2016, no formal inquiries into the fitness for office of a judicial officer were held by Judicial Council.

Complaints must be addressed to the Chief Judge and submitted in writing by one of the following:

Email: info@provincialcourt.bc.ca

Fax: (604) 660-1108

Mail: Judicial Council of British Columbia

337 – 800 Hornby Street

Vancouver, British Columbia V6Z 2C5

Further information regarding the complaint process is outlined on the Provincial Court [website](#) and in the Court's [Annual Reports](#).



ETHICAL PRINCIPLES

The Judicial Council is responsible for preparing and revising a Judicial Code of Ethics. Judicial ethics provide a general framework of values and considerations to guide judicial officers in their judicial conduct.

Provincial Court Judges in B.C. were formerly guided by a Code of Judicial Ethics. This document was prepared by the Judges of the Court and adopted by the Judicial Council in 1976. It was last amended in 1994. Recently, both the Judicial Council and the judiciary of the Court felt that the principles guiding judicial behaviour should be reviewed. Following discussions with Judges and Judicial Justices, the Judicial Council considered whether to revise the Code or adopt the [Ethical Principles for Judges](#), published in 1998 by the Canadian Judicial Council (CJC).

The original purpose of the Principles was to provide ethical guidance for federally appointed judges. However, over the past several years, a number of provincial and territorial Courts have adopted the Principles. After considering the comments of Judges and Judicial Justices, in December 2014 the Judicial Council adopted the Ethical Principles for Judges as the guiding principles for the judicial officers of the Provincial Court of British Columbia.

FINANCIAL EXPENSES INCURRED BY THE JUDICIAL COUNCIL

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

Non-judicial members of Judicial Council are eligible to be paid honoraria for attending meetings in person. For the year 2016, there were 12 monthly meetings and two joint Judicial Council and CBA Judicial Advisory Committee meetings held. The following table details the meeting honoraria paid to the members of Judicial Council in 2016.

Figure 5: Remuneration for Judicial Council Members (2016)

Name	Allowable Honorarium Per Meeting [†]	Meetings Attended	Total Remuneration
The Honourable Chief Judge T.J. Crabtree	\$0	13	\$0
The Honourable Associate Chief Judge G.S. Gill	\$0	7	\$0
The Honourable Associate Chief Judge S. Wishart	\$0	3	\$0
The Honourable Judge D. St. Pierre (Provincial Court Judges' Association of B.C. President, 2016)	\$0	13	\$0
Retired Administrative Judicial Justice P. Schwartz* (eligible as of May 20, 2016)	\$250/\$125	13	\$2125
Ms. J. Lindsay, QC* (Law Society of B.C. Representative, 2016)	\$250	10	\$2500
Ms. J. Chow, QC* (CBABC Branch President, 2016)*	\$250/\$125	10	\$2375
Ms. K. Kirkpatrick*	\$250	8	\$2000
Mr. L. MacLean, QC*	\$250/\$125	10	\$2375
Mr. G. McRae*	\$250	1	\$250

* Non-judicial members of Judicial Council receive an allowable honorarium of \$250 for a full-day meeting

[†] The Judicial Council/CBA Judicial Advisory Committee meetings were half-day meetings with an allowable honorarium of \$125

Jan Lindsay, QC

Representative, Law Society of B.C. (2016)

Appointed to Judicial Council January 1, 2014



I am a lawyer in private practice since 1981. I have been fortunate to be involved with the work of the Law Society of B.C. for a number of years, and to serve as President in 2014. I am particularly proud of having raised 4 wonderful children, whom I consider my most significant 'accomplishment'.

I am honoured to have served as the Law Society appointment to Judicial Council for the Provincial Court since 2014. Judicial Council plays an important part in the selection process for Provincial Court Judges.

The Provincial Court is the face of justice for many in our province; it is 'the people's court'. Judicial Council supports the Court by ensuring that candidates for appointment are fully equipped to hear the matters before them, and provide timely, fair, and well-reasoned decisions, so that all who are before the Court feel heard and confident that their matter was decided in accordance with the law. Judicial Council works very hard to ensure that the candidates recommended for appointment will be able to serve the public and the administration of justice.

The members of Judicial Council are a mix of judges, lawyers, and non-lawyers, each bringing a particular perspective to our meetings. We spend our time trying to 'get to know' the candidates and making sure that the recommended candidates are well suited to the rigours of the job, the demands that will be made of their time, and intellect. We recommend the candidates who, in our collective view, are best suited to make the decisions that may profoundly affect people's lives, and sometimes their liberty.

I want to thank my fellow Council members for allowing me the opportunity to serve, and give a special thank you to Chief Judge Crabtree for his leadership, not only in the meetings of Judicial Council, but also for the Court generally.

OTHER MATTERS

The Council is responsible for reporting to the Attorney General on matters the Attorney General considers necessary. No such matters were raised for action in 2016.

PUBLIC ACCESS TO THE JUDICIAL COUNCIL

Any members of the public who have a question relating to the Judicial Council of B.C. or the judicial candidate application process, whether arising from this report or for any other reason, may do so in writing by one of the following:

Email: info@provinciacourt.bc.ca

Fax: (604) 660-1108

Mail: Judicial Council of British Columbia

337 – 800 Hornby Street

Vancouver, British Columbia V6Z 2C5

Acknowledgements

- Judge Clifford MacArthur (retired) (Judicial Council photo, p. 10)
- Elisa Pacheco, Administrative Coordinator
- Sue Chiu, Digital Production

APPENDIX A: ANALYSIS OF APPLICATIONS TO THE JUDICIAL COUNCIL

Applications and Outcomes

Figure A.1 shows the data for all applications, interviews and recommendations for appointment by the Judicial Council of British Columbia over a 10-year period. It demonstrates trends in application rates and a comparison of candidate approval rates. These figures reflect the Council's activities in the calendar year specified, however may also include reviews and interviews of applicants carried over from the previous year. Therefore, they do not reflect the results of applications made in a single particular year.

Figure A.1 shows that, while the number and gender distribution of applicants have remained generally constant, a greater proportion of women applicants has been recommended for appointment in recent years, but dropped back down to the average in 2016.

In 2016, the Judicial Council received 43 applications, reviewed 30 and approved 24 for an interview. The Council interviewed 24 applicants and recommended 13 for appointment.

The number of applicants interviewed and recommended in 2014 rose significantly above the average because the Council made efforts to reduce the overall length of time the process was taking. Having increased the number of applicants interviewed in 2014, the Council returned to its average number of interviews in 2016.

The average annual number of applications received per year for the last 10 years was 49.9. The two years with the highest number of applications received were 2007, with an all-time high of 89 applications, and 2009, with 61 applications. The average annual number of applications reviewed for interview over the last 10 years was 43.7. On average, 48 per cent, or 23.9 applicants per year, were approved for an interview.

Figure A.1: Applications for Appointment as a Provincial Court Judge (2007 – 2016)

Year	Applications Received			Applications Reviewed			Applicants Approved for Interview			Applicants Interviewed			Applicants Recommended for Appointment			Appointments		
	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F
2016	43	23	20	30	19	11	24	14	10	24	15	9	13	7	6	11	8	3
2015	27	13	14	35	13	22	23	9	14	27	9	18	17	7	10	13	6	7
2014	50	24	26	40	24	16	31	18	13	33	23	10	20	14	6	6	2	4
2013	46	33	13	39	28	11	29	18	11	24	11	13	11	4	7	10	5	5
2012	35	19	16	39	20	19	22	9	13	21	9	12	12	7	5	11	8	3
2011	44	26	18	46	33	13	22	15	7	21	17	4	14	11	3	6	5	1
2010	49	33	16	33	24	9	15	13	2	28	19	9	17	13	4	8	6	2
2009	61	41	20	67	39	28	24	14	10	21	13	8	7	5	2	4	2	2
2008	55	32	23	48	28	20	24	11	13	21	13	8	13	8	5	5	3	2
2007	89	57	32	60	36	24	25	18	7	25	16	9	11	8	3	7	6	1
Average	49.9	30.1	19.8	43.7	26.4	17.3	23.9	13.9	10	24.5	14.5	10	13.5	8.4	5.1	8.1	5.1	3

New and Renewed Applications

Figure A.2 compares the number of new and renewed applicants.

The annual number of new applicants has been relatively stable, with the exception of a significant spike in 2007, followed by a gradual return to pre-2007 levels. In 2015, the number of new applicants was significantly below the 10-year average, with 19 applications compared to the average of 30.2, but that number rose slightly in 2016 to 22 applications.

In 2016, the number of applicants renewing their applications to the Judicial Council after previously being unsuccessful was slightly above average. (“Unsuccessful” applicants include those not granted an interview, as well as those interviewed but not recommended or appointed.)

Figure A.2: New and Renewed Applications by Year (2007 – 2016)

Year	NEW APPLICATIONS		RENEWED APPLICATIONS	
	Total	Recommended After Interview	Total	Recommended After Interview
2016	22	9	20	3
2015	19	11	7	5
2014	34	10	16	10
2013	22	9	24	2
2012	21	8	14	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
Average Total	30.2	5.6	19	4.3
% of Average		18.5%		22.6%

Gender

According to the [Law Society of British Columbia's 2016 Report on Performance](#), females make up 39 per cent of the legal profession. In the last two years, the number of new B.C. lawyers has been equal for men and women. ("Profession" is defined as lawyers registered with the Law Society and practising.) According to the [2015/16 Annual Report of the Provincial Court of B.C.](#), as of March 31, 2016, 40 per cent of full-time Judges were female, indicating that the proportion of female Judges appointed to the Courts has increased in recent years and is approaching parity with males.

In 2016, the Judicial Council recommended 13 applicants for appointment, six female and seven male. The number of male applicants was below the 10-year average, although the number of female applicants was higher than the 10-year average.

11 candidates from the list of recommended applicants were appointed by the Lieutenant Governor in Council: three female and eight male.

Age

The average age of all applicants to the Provincial Court in 2016 was 52 years, with the average age of male applicants at 53 years and the average age of females at 51 years.

Figure A.3: Applicants by Age and Gender (2007 – 2016)

Year	Total	Male	% of Total	Average Age	Female	% of Total	Average Age
2016	43	23	53%	53	20	47%	51
2015	27	13	48%	55	14	52%	51
2014	50	24	48%	52	26	52%	48
2013	46	33	72%	53	13	28%	51
2012	35	19	54%	56	16	46%	51
2011	44	26	59%	52	18	41%	51
2010	49	33	67%	53	16	33%	50
2009	61	41	67%	52	20	33%	47
2008	55	32	58%	52	23	42%	52
2007	89	57	64%	51	32	36%	48
Average	49.9	30.1	53.7%	52.9	19.8	41%	50

Years of Practice

From 2007 to 2016, applicants have had an average of 21.7 years of legal practice. Male applicants had an average of 23.5 years of practice, while female applicants had an average of 19.8 years. Of those who applied in 2016, female applicants had, on average, four years less practice experience (20 years) than their male counterparts (24 years).

Figure A.4: Applicants by Gender and Years of Experience (2007 – 2016)

Year	Gender	Applicants	Years of Practice
2016	M	23	24
	F	20	20
2015	M	13	25
	F	14	21
2014	M	24	23
	F	26	20
2013	M	33	24
	F	13	20
2012	M	19	26
	F	16	23
2011	M	26	23
	F	18	19
2010	M	33	24
	F	16	19
2009	M	41	23
	F	20	19
2008	M	32	22
	F	23	20
2007	M	57	21
	F	32	17
Average	Males	30.1	23.5
	Females	19.8	19.8
	Combined	25	21.7

Area of Practice

Applicants to the Court come from various fields, such as private practice, public practice, Crown Counsel and other judicial offices.

While applications from private practice tend to form on average 61% of the total number, in 2016 they formed 62 per cent. Crown Counsel formed 29 per cent and applications from other areas formed nine per cent of the total number in 2016. Figure A.5 does not include a retired judge who applied for a part-time reappointment, therefore, the total number of applicants equals 42 instead of 43.

Figure A.5: Applicants by Gender and Area of Practice (2007 – 2016)

Type of Practice		Private	Crown Counsel	Other Areas
2016	Total	26	12	4
	M	13	6	3
	F	13	6	1
2015	Total	12	9	5
	M	6	2	4
	F	6	7	1
2014	Total	28	18	4
	M	12	11	1
	F	16	7	3
2013	Total	34	8	4
	M	28	1	4
	F	6	7	0
2012	Total	19	10	6
	M	10	4	5
	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	11	16
	M	24	6	9
	F	8	5	7
2008	Total	33	15	6
	M	20	9	2
	F	13	6	4
2007	Total	61	18	10
	M	41	13	3
	F	20	5	7
Average		30.2	12.3	6.7
% of Average Total		61%	25%	14%



PROVINCIAL COURT OF BRITISH COLUMBIA

Any members of the public who have a question relating to the Judicial Council of B.C. or the judicial candidate application process, whether arising from this Report or for any other reason, may do so in writing by any of the following:

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