



Judicial Council of BC ANNUAL REPORT 2017





JUDICIAL COUNCIL
OF
BRITISH COLUMBIA

May 2, 2018

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 2017 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.

The number of applications for appointment as a Provincial Court Judge increased in 2017 to 63 from 43 in the previous year. Including applications from 2016, the Council reviewed 57 applications for appointment as Provincial Court Judge, interviewed 27 applicants and recommended 14 for the bench. The Council also reviewed applications for appointment as Judicial Justice 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 2017, 20 out of the 63 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 2017, the Judicial Council completed the transition process from a printed application form to an electronic, online application form. The online application form became available on the Provincial Court website on September 5, 2017. Survey results from applicants confirm the speed and ease of submitting an application compared to the previous process. Improvements and further enhancements are continuing to be made based on users' feedback.

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.

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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2017 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 the Judicial Council in 2017.

Members of Judicial Council

The Judicial Council is composed of judges, lawyers and lay persons, 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 2017, 17 of the 63 applications included ethnic and cultural information. Three applicants were Aboriginal, ten applicants indicated they were members of an ethnic or minority group, and seven indicated they were members of a diverse group.

In 2017, applications were received from throughout the province (except the OCJ region). The Council recommended seven men and seven women from all regions for full-time appointment to the Provincial Court bench. It reviewed one applicant for appointment as a Judicial Justice, and recommended 22 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). 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 2017, the Judicial Council received **63** applications for appointment as a Provincial Court Judge, interviewed **27** applicants, and recommended **14** candidates for the bench.

INTRODUCTION AND MEMBERSHIP OF THE JUDICIAL COUNCIL

Role of the Judicial Council

Established in 1969, 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 from \$5,001 to \$10,000 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-judicative 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 2017 were as follows:

The Honourable Chief Judge Thomas J. Crabtree, Presiding Member

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

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

Mr. Herman Van Ommen, QC, President, Law Society of B.C.

Mr. Michael Welsh, President, Canadian Bar Association, B.C. Branch

Retired Administrative Judicial Justice Patricia Schwartz

Ms. Karin Kirkpatrick

Mr. Gordon C. McRae

Mr. Patrick Kelly

JUDICIAL COUNCIL 2017



Judicial Council of British Columbia 2017

Back row, left to right: Mr. Michael Welsh; Mr. Patrick Kelly; Judge David St. Pierre; Retired Administrative JJ Patricia Schwartz; Mr. Herman Van Ommen, QC

Front row, left to right: Ms. Karin Kirkpatrick; Associate Chief Judge Susan Wishart; Chief Judge Thomas Crabtree; Mr. Gordon McRae

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 BC 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 Susan W. 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 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 was the President of the B.C. Provincial Court Judges' Association in 2016 and 2017.

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, having served 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 community social services agency founded in 1928 which today has over 500 staff and offers 90 programs in 14 locations across the Lower Mainland.

She has worked as CEO for the Private Career Training Institutions Agency, a provincial Crown corporation, and for the Real Estate Foundation of British Columbia. Prior to that, Ms. Kirkpatrick spent six years as Assistant Dean in the Sauder School of Business, University of British Columbia and for twelve years worked as an adjunct professor in the Organizational Behavior division.

She is a provincial appointee to the Judicial Council of British Columbia, is a member of the Land Awards Committee with the Real Estate Foundation of B.C., and was previously on the board of the Vancity Community Foundation and the board of the B.C. Council for International Education. In 2012, Ms. Kirkpatrick was recipient of the Queen's Diamond Jubilee Medal and a nominee for the YWCA's Women of Distinction Awards. In 2014 she was placed on the Canadian Board Diversity Council's "Diversity 50" list for Board eligible candidates.

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. Gordon C. McRae, Member

Appointed to Judicial Council November 7,
2016

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.

Mr. Patrick Kelly, Member

Appointed to Judicial Council December
31, 2016

Patrick Kelly is a member of the Leq:amel First Nation in the Sto:lo Nation. He is Board Chair and Chief Executive Officer of the Coastal First Nations, operates a consulting business, and was a Senior Advisor to a renewable energy company, and to the Lieutenant Governor of B.C. Previously, he was Director, Strategic Planning and Communications, British Columbia Region with Indian and Northern Affairs Canada. In addition, Mr. Kelly was Manager, Cultural Relations and Corporate Training in B.C. Hydro's Aboriginal Relations Department and Executive Director of the B.C. Chapter of the Canadian Council for Aboriginal Business.

Active in the community, Mr. Kelly is Past Board Chair, Victoria Foundation; President of British Columbia Golf, Co-Chair Indigenous Program Council of the Banff Centre, a member of the International Advisory Board of the University of Victoria Gustavson School of Business and Advisor to the Sauder School of Business, University of British Columbia. He held executive positions with the Mission Chamber of Commerce, the Mission Heritage Association, the Mission Indian Friendship Centre, and the Coqualeetza Cultural Centre. He is the Founding President of the B.C. Aboriginal Golf Association. Previously, he served as a Bencher to the Law Society of B.C., a Director of the B.C. Buildings Corporation, and a Governor with Vancouver Community College. In 1982, he attended dinner with Queen Elizabeth II as a Young Achiever for Canada at the ceremony to repatriate Canada's constitution. In 2009, Mr. Kelly was the recipient of the B.C. Community Achievement Award.

Mr. Michael Welsh, President, Canadian Bar Association, B.C. Branch

Appointed to Judicial Council January 1,
2017 - December 31, 2017

Mr. Welsh is a well-known member of the Okanagan bar, practising with Mott Welsh & Associates in Penticton. He is a Bencher of the Law Society of B.C., Immediate Past President of both the B.C. Branch of the Canadian Bar Association, and Alternative Dispute Resolution Institute of B.C., and is appointed by the B.C. government as a Tribunal Member on the Civil Resolution Tribunal.

Mr. Welsh was born in Penticton and grew up in Summerland. He received a BA cum laude in philosophy from Cornell University in NY State in 1975, and LL.B. from UBC in 1980. He clerked for the Supreme Court of BC and articulated with Russell & DuMoulin (now Faskin Martineau) before being called to the BC bar in 1981. He has practised in Vancouver, the Sunshine Coast, and since 1997, in the Okanagan, where he also planted and until 2007 operated a commercial vineyard, in addition to his joining his present law firm. He served two terms as president of the BC Grape Growers Association and been president of two Rotary Clubs.

Appointed Queen's Counsel (Q.C.) in 2017, he has been counsel on many hundreds of trials and appeals at all levels of our court system, including the Supreme Court of Canada. He has been a mediator and arbitrator holding the designations of FCI Arb, C. Med., C.Fam.Arb. and Q.Arb. His current practice is a mix of ADR and litigation. He writes for the Advocate, both legal articles and as its wine columnist for the past 14 years, and has also published numerous articles in BarTalk and the Canadian Arbitration & Mediation Journal. He is regularly asked to speak on alternate dispute resolution (ADR), legal and wine-related topics for various legal groups and at continuing legal education programs. He has been a B.C. VQA wine judge since 2003 and sits on panels where B.C. wines are assessed to determine if they attain B.C. VQA status.

Mr. Herman Van Ommen, QC, President, Law Society of B.C.

Appointed to Judicial Council January 1,
2017 - December 31, 2017

Herman Van Ommen graduated from the University of Victoria Faculty of Law in 1984 and after articling with Shrum Little & Heberton he was called to the bar in 1984. He practiced in the area of commercial litigation primarily, but in the early years he conducted both criminal and family law trials in Provincial Court.

Mr. Van Ommen started acting for the Law Society and members in 1994 on discipline and credentials matters. Over the years this became a significant component of his practice. As counsel for the Law Society he acted on many of the significant cases concerning the Law Society in the Court of Appeal.

His commercial litigation practice expanded to include a broad range of arbitrations both domestic and international. His firm asked him to take on the role of regional Managing Partner in 2013, which he did for 3 years.

He became a Bencher in 2009 and over the next several years chaired all of the significant Committees and sat on many hearings. He was the President of the British Columbia Law Society for 2017.

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 or 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 13, February 24, March 31, April 28, May 19, June 16, July 21, August 25, September 22, October 13, November 10 and December 1. Mr. Patrick Kelly and Mr. Herman Van Ommen, QC, were introduced as new members at the January 13, 2017 meeting.

Once a year the Judicial Council and CBA Judicial Advisory Committee members participate in a Courthouse Tour to observe the daily functions of a court. This year the tour was held at the Surrey Provincial Court on June 6, 2017. The day began at 10:30 am in which members were greeted and guided to various courtrooms to observe the proceedings, followed by a lunch with the local judges.

A presentation on the new Judicial Application and Reporting System (JARS) was conducted at the August 25, 2017 meeting to provide an update on the progress of the project in anticipation of its launch date. Ms. Hazel Lew, Business Applications Consultant, Mr. Nick Chan, IT Services and Strategic Planning Manager, and Mr. Dave Nolette of the Justice Education Society, provided information on the functions of the new system with a demonstration and answered questions from the members. Following the system's launch on September 5, 2017, all applications began to be received online and further testing and streamlining of the new administrative process ensued. Judicial Council members will begin using the Application Management System (AMS) to view all applicant profiles and meeting materials in January 2018.

Incoming members for 2018, The Honourable Judge Mayland McKimm, Mr. Bill Veenstra and Ms. Miriam Kresivo, QC, attended the December 1, 2017 meeting as guests to observe proceedings. The Honourable David Eby of the Ministry of the Attorney General attended briefly to meet the members and discuss Government's role in the appointment process.

In 2017, the Council received 63 applications for Provincial Court Judge and reviewed 57 (including some carried over from 2016). The Council approved 36 applications for interview, interviewed 27 and recommended 14 for full-time appointment. The Council reviewed one application for Judicial Justice for interview. It received and reviewed 22 applications for appointment as Court Services Branch Justice of the Peace and recommended all 22.

The figures reflect the Council's activities in the 2017 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 the Council and strongly encourage qualified candidates from all backgrounds to consider making an application for judicial office.

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 objective 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

Until September 4, 2017 applicants for judicial appointment submitted a Judicial Candidate Application form they downloaded from the Provincial Court [website](#). On September 5, 2017 the transition to an online application system was completed with the launch of the *Judicial Application and Reporting System (JARS)*, in which all applicants began submitting their applications electronically. A Judicial Candidate Process Summary, also available online, outlines the entire process from application to appointment.

This online application system is the first in Canada to replace all paper forms and documents in the judicial application process. Applicants can now access the application forms on the Provincial Court website by clicking a link to the new system and creating a personal account. The application forms and process summaries can be accessed at: <https://apply.provincialcourt.bc.ca/>.

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 legal 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

This online application system is the first in Canada to replace all paper forms and documents in the judicial application process.

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 2017, the LGIC appointed 14 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 2017, the Judicial Council received 63 applications, reviewed 57 and approved 36 for an interview. The Council interviewed 27 applicants and recommended 14 for full-time appointment. The number of applications received was significantly higher than the 10-year average. This was due to an influx of paper applications being submitted before the launch of the online system. The number of applicants reviewed, approved for interview, interviewed and recommended were all above the 10-year average. The number of applicants appointed was higher than the previous year and well above the 10-year average.

The LGIC appointed 14 full-time Provincial Court Judges, five more than the 10-year average. In addition to the appointment of 14 new judges, two senior judges (part-time) were re-appointed for one-year terms. These one-year re-appointments are not included in the annual appointment data.

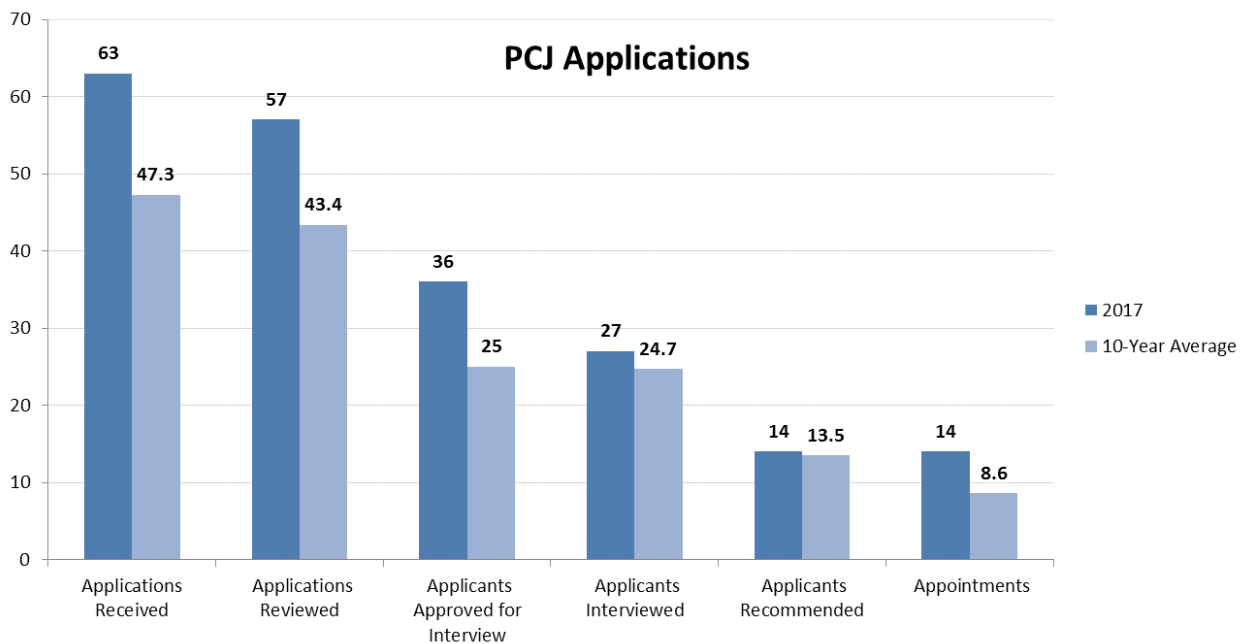
Over the 10-year period from 2008 to 2017, the Council received an average of 47 applications a year for appointment as a Judge. The Council reviewed an average of 43, approved an average of 25 for interview, interviewed an average of 25 and of those, recommended an average of 14 applicants for the bench.

The LGIC appointed **14** full-time Provincial Court Judges, **five** more than the **10**-year average.

In this 10-year period, an average of 52 per cent of applicants received an interview, and 29 per cent were recommended for appointment. An average of 9 Provincial Court Judges have been appointed each year, constituting approximately 18 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. Following the announcement of the new online application system launch on September 5, 2017, a large influx of applications was received in August 2017, resulting in the most number of applications received in the last ten years. Figure 1 shows a comparison between 2017 figures and the 10-year average.

Figure 1: Applications for Appointment as Provincial Court Judge (2017 and 10-Year Average)



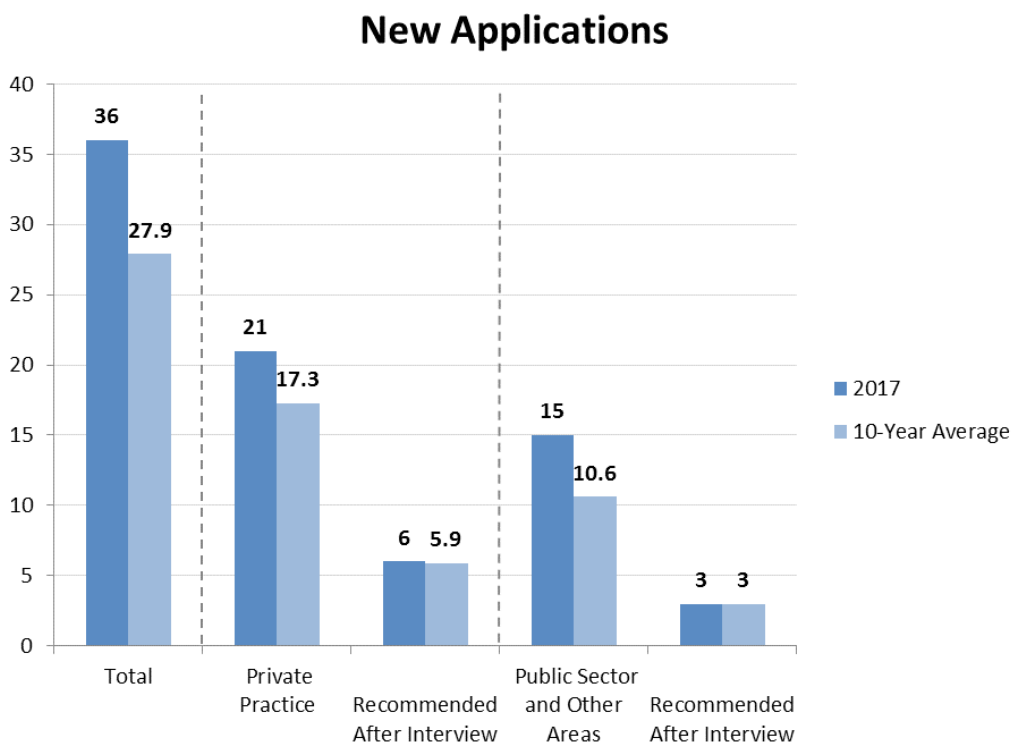
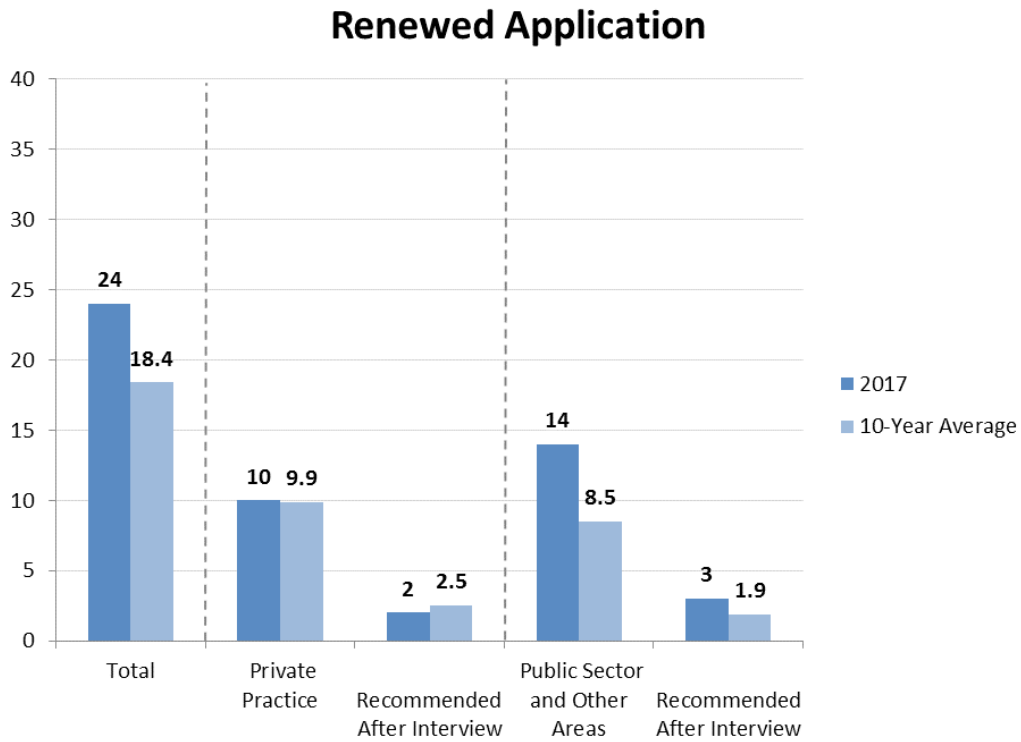
[Appendix A: Analysis of Applications to the Judicial Council](#) provides complete tables of data on all applications submitted within the last ten years. It includes details on the number of applicants, the progression through the review process and various demographic factors. Improvements have recently 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 18 renewed applications in each of the past 10 years, compared to 28 new applications. On average over the 2008 to 2017 period, the Council has recommended 32 per cent of new applications compared to 24 per cent of renewed applications.

In 2017, the number of renewed applications from previously unsuccessful applicants increased slightly from 20 to 24. (“Unsuccessful” applicants include those who are not granted an interview, as well as those interviewed but not recommended or appointed.) The Council recommended 5 such applicants for appointment in 2017. See [Figure A.2](#) for a complete list of figures.

Figure 2: New and Renewed Applications by Year and Sector



Demographics

In 2017, there was an average of 25 candidates each month on the list of applicants recommended for appointment. As of December 31, 2017, there were 23 candidates on the list; 12 males and 11 females.

GENDER

In 2017, the number of male applicants was significantly greater than female applicants, almost double, which is a shift from recent years that had more female applicants.

The number of female applicants (22) increased slightly from last year to further exceed the 10-year average of 18.8. Although the number of female applicants decreased, the number of females reviewed, approved for interviews, interviewed, recommended, and appointed all increased and remained above the 10-year averages.

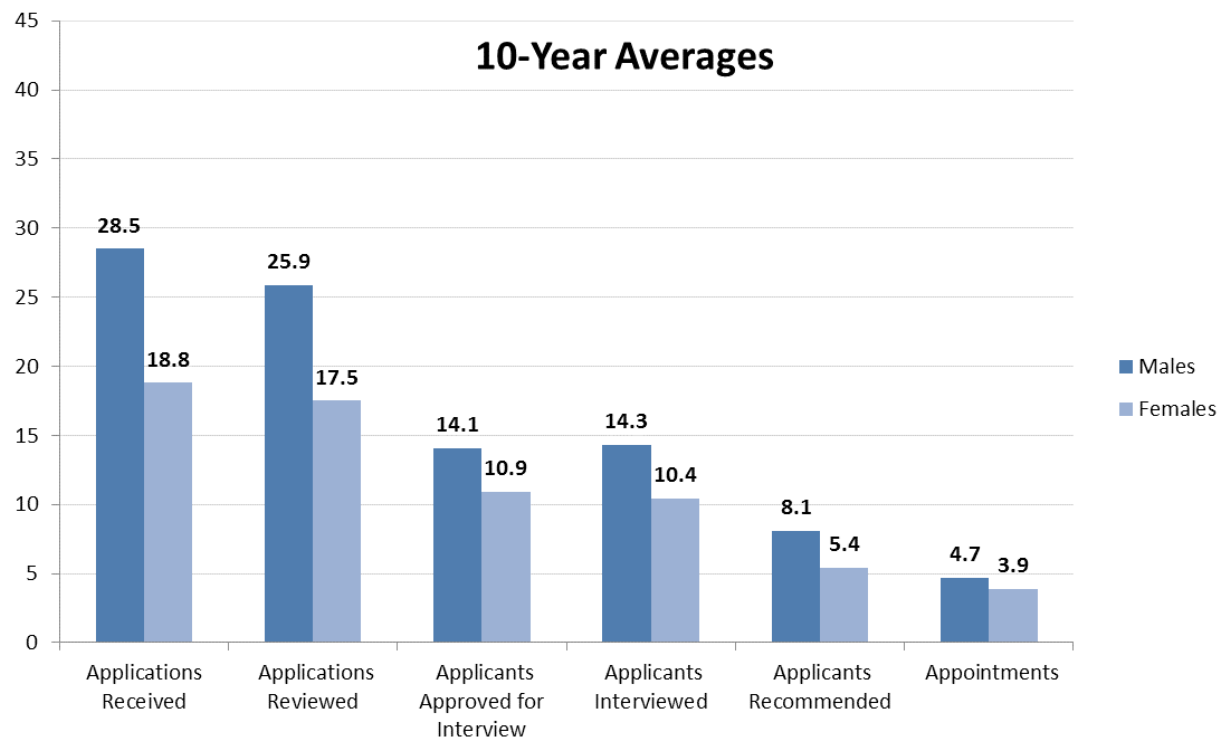
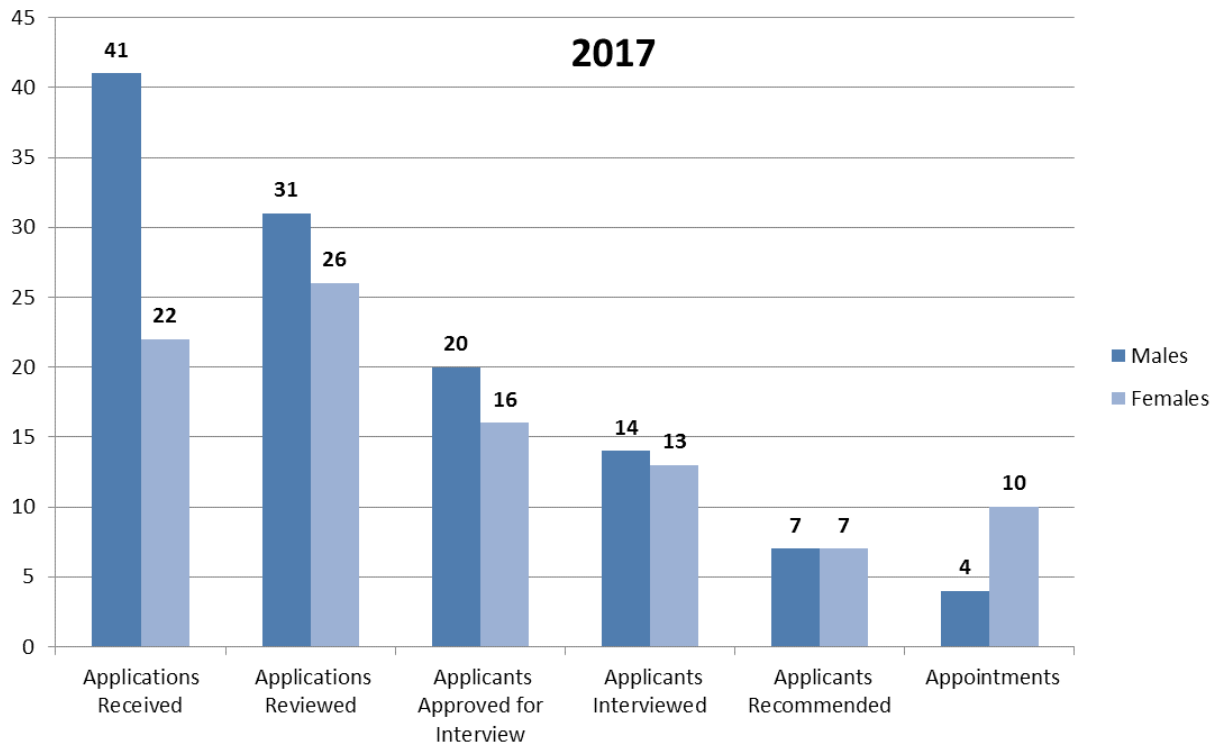
The number of male applicants in 2017 (41) increased significantly from the previous year and the 10-year average of 28.5. The number of males reviewed and approved for interviews also increased. The number interviewed decreased slightly but remained equal to the 10-year average. The number recommended increased slightly but the number appointed decreased. Both figures are slightly under than the 10-year averages.

In 2016, more male applicants were appointed to the bench than females; however, in 2017 4 males and 10 females were appointed. The number of female applicants appointed (10) was well-above the 10-year average of 3.9 and the highest on record for the Provincial Court.

Figure 3 compares the numbers of applicants in 2017 and over a 10-year period.

The number of female applicants appointed in 2017 was well-above the 10-year average and the highest on record for the Provincial Court.

Figure 3: Male and Female Applicants, 2017 and 10-Year Averages



AGE, YEARS AND AREA OF PRACTICE

The average age of applicants to the Court in 2017 was 53 years for both males and females. From 2008 to 2017, applicants had an average age of 51.8 years, with 53.1 years for males and 50.5 years for females. See [Figure A.3](#) for a complete list of figures.

Applicants in 2017 had an average of 22 years in the practice of law: 21 years for males and 23 years for females. From 2008 to 2017 they had an average of 21.95 years of practice: 23.5 years for males and 20.4 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 two-thirds of the total number, in 2017 they formed less with 52 per cent. Crown Counsel formed 33 per cent and applications from other areas formed only 15 per cent of the total number in 2017. See [Figure A.5](#) for a complete table of figures.

Applicants and New Appointments by Region

The Provincial Court was reorganized into 5 regions, plus an OCJ Region to serve specific communities. Figure 4 demonstrates the number of full-time applications received and appointed from each of the regions.

In 2017, 14 applicants were appointed to the Court: 1 to the Vancouver Island Region, 0 to the Vancouver Region, 5 to the Fraser Region, 5 to the Interior Region, 2 to the Northern Region and 1 to the OCJ Region.

Figure 4: Applicants and Appointments by Region

			Vancouver Island	Vancouver	Fraser	Interior	Northern	OCJ Region	Outside BC
2017	Applicants	#	12	20	12	9	7	0	1
		%	20%	33%	20%	15%	12%	0%	2%
	Appointments	#	1	0	5	5	2	1	0
		%	7%	0%	36%	36%	14%	7%	0%
2016	Applicants	#	6	9	9	8	8	0	1
		%	15%	22%	22%	20%	20%	0%	2%
	Appointments	#	3	1	3	1	1	0	0
		%	33%	11%	33%	11%	11%	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 Canadian Bar Association (CBA) B.C. Branch's Equality and Diversity Committee, [Towards a More Diverse Legal Profession: Better practices, better workplaces, better results](#).

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.

In 2017, 17 of 63 applicants responded to those questions, and provided information on their ethnic or cultural backgrounds. Three were of Aboriginal heritage, ten indicated an ethnic or visible minority background, and seven identified themselves as being part of a diverse group. It is important to note that an applicant may respond to one or more of the questions, resulting in the total number of responses being higher than the number of applicants.

Visible minority and diverse groups identified by applicants included: specified First Nation; Black; Asian, European, Caribbean, and Middle Eastern origin or heritage specified by country; specified religious heritage; specified sexual orientation and family dynamic. The Judicial Council notes these answers in its overall assessment of applicants, but does not assign any particular weight to them.

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 summarizes the responses received from 2014 to 2017.

Figure 5: Diversity Responses in Judicial Applications (2014–2017)

Diversity		Aboriginal	Ethnic/Visible Minority	Diverse Group
2017	Total	3	10	7
	M	3	5	4
	F	0	5	3
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	11	5
	M	0	3	2
	F	2	8	3

Michael Welsh

President, Canadian Bar Association, B.C. Branch (2017)
Appointed to Judicial Council January 1, 2017

My term on Judicial Council was one year, and it was a year that made me proud of the process we have in B.C. for selecting candidates for this Court. I sat as representative for the B.C. Branch of the Canadian Bar Association, starting when I was Branch president. As Branch president, my biggest priority has been to foster better access to justice. The Provincial Court is where most people experience the justice system, which is why it is often called the “people’s court.” It is crucial that its judges are of the finest calibre, not just for their legal knowledge, but also for their ability to understand and connect with those who come before them. This is especially so nowadays when so many litigants come to court without legal representation.

I can say from my year here that we in B.C. are very lucky to have a dedicated and hardworking Judicial Council, backed by great staff, and with strong volunteer resources from the CBABC Judicial Advisory Committee. We initiated a new online application procedure that is working well, making it easier for applicants. Council generally refers applications based on the very thorough and well-researched background reports of the Advisory Committee. From there, the Council determines who to interview. I have learned how crucial those interviews are in obtaining a full picture of a judicial applicant. And I believe we provide the Attorney General with a strong list of candidates from which the Court’s judges are chosen.

Diversity of background is important in our courts and the Provincial Court has come a significant way to meeting that goal. Now that my term is ended, I will be encouraging capable lawyers from all ethnic, gender, sexual and cultural backgrounds to apply. I encourage those who read this to do the same. For as one anonymous wit said “Law should be the one game where the best players sit on the bench!”



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 hearing 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

Until September 4, 2017 applicants for appointment as a Judicial Justice submitted a Judicial Justice Candidate Application form which they could download from the Provincial Court [website](#). On September 5, 2017 the transition to an online application system was completed with the launch of the *Judicial Application and Reporting System (JARS)*, in which all applicants began submitting their applications electronically. The application forms and process summaries can be accessed at: <https://apply.provincialcourt.bc.ca/>.

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 2017, two applications were received, one was reviewed, and none were interviewed.

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 in cases involving from \$5001 to \$10,000. 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 Branch Justices of the Peace (CSBJPs)* 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 CSBJPs assigned to the Justice Centre in Burnaby.

Duties assigned to CSBJPs 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 or by way of recommendation. A Judge is assigned to review the resumes of these lawyers and select the most qualified candidates. The 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 Justice of the Peace (JP) Administrator at the Office of the Chief Judge when the Court requires a JP appointment.

The candidate submits an application online to the Judicial Council for appointment as a CSBJP. 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 application forms and process summaries can be accessed at: <https://apply.provincialcourt.bc.ca/>.

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 2017, the Judicial Council reviewed 22 applications for appointment as a Court Services Branch Justice of the Peace and recommended all 22 applicants for appointment.

Herman Van Ommen, QC

President, Law Society of B.C. (2017)

Appointed to Judicial Council January 1, 2017

I was very pleased to sit on Council in 2017. I found the members of the Council to be fully engaged and extremely hardworking. Members of the Council came from a wide variety of experiences and backgrounds, and all had a view of what qualities an applicant for judicial office required. That diversity contributed much to the richness of our discussions and deliberations.

The workload of the Committee is quite heavy. There is a significant amount of background material that needed to be reviewed. Each month we interviewed two to three candidates. No doubt this was daunting to them, but it required considerable thoughtfulness and focus from the Council members to ensure a clear view of the applicants' strengths and qualities were ascertained. There is no doubt in my mind that interviewing applicants for judicial office contributed to the quality of our recommendations.

The amount of work done by the CBA Judicial Advisory Committee checking references is noteworthy and very much appreciated.

Although this was a working committee it was a real pleasure to meet each month and work through the applications. We were ably guided by Chief Judge Crabtree who kept us on course with humour and tact.

It was a privilege to serve and contribute a small bit to this very important Council.



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 her or his 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 2017, 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@provinciacourt.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](#), where complaints received and action taken are summarized.

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.



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 2017, there were 12 monthly meetings. The following table details the meeting honoraria paid to the members of Judicial Council in 2017.

Figure 5: Remuneration for Judicial Council Members (2017)

Name	Allowable Honorarium Per Meeting [†]	Meetings Attended	Total Remuneration
The Honourable Chief Judge T.J. Crabtree	\$0	12	\$0
The Honourable Associate Chief Judge S. Wishart	\$0	12	\$0
The Honourable Judge D. St. Pierre (Provincial Court Judges' Association of B.C. President, 2017)	\$0	11	\$0
Retired Administrative Judicial Justice P. Schwartz* (eligible as of May 20, 2016)	\$250/\$125 [†]	12	\$2875
Mr. H. Van Ommen, QC* (Law Society of B.C. President, 2017)	\$250	8	\$2000
Mr. M. Welsh* (CBABC Branch President, 2017)*	\$250/\$125 [†]	11	\$2625
Ms. K. Kirkpatrick*	\$250/\$125 [†]	9	\$2125
Mr. G. McRae*	\$250/\$125 [†]	11	\$2625
Mr. P. Kelly*	\$250/\$125 [†]	9	\$2125

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

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

OTHER MATTERS

The Judicial Council is responsible for reporting to the Attorney General on matters the Attorney General considers necessary. No such matters were raised for action in 2017.

PUBLIC ACCESS TO THE JUDICIAL COUNCIL

Any member of the public who has 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 send it 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

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 has remained generally constant, a greater proportion of female applicants have been recommended for appointment in recent years and remains higher than the 10-year average.

In 2017, the Judicial Council received 63 applications, reviewed 57 and approved 36 for an interview. The Council interviewed 27 applicants and recommended 14 for full-time 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. In 2017, the number of applicants interviewed and recommended both rose slightly above the 10-year average.

The average annual number of applications received per year for the last 10 years was 47.3. In 2017, the total number of applications received was 63, making it the highest in the last ten years and well above the average. The large influx of applications came following the announcement of the new online system, which urged applicants to submit their paper applications prior to the launch date. 2009 holds the second highest amount with 61 applications received. The average annual number of applications reviewed for interview over the last 10 years was 43.4. On average, 53 per cent, or 25 applicants per year, were approved for an interview.

Figure A.1: Applications for Appointment as a Provincial Court Judge (2008 – 2017)

Year	Applications Received			Applications Reviewed			Applicants Approved for Interview			Applicants Interviewed			Applicants Recommended for Appointment			Applicants Appointment		
	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F
2017	63	41	22	57	31	26	36	20	16	27	14	13	14	7	7	14	4	10
2016	43	23	20	30	19	11	24	14	10	24	15	9	11	5	6	9	6	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	19	14	5	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
Average	47.3	28.5	18.8	43.4	25.9	17.5	25.0	14.1	10.9	24.7	14.3	10.4	13.5	8.1	5.4	8.6	4.7	3.9

New and Renewed Applications

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

The annual number of new applicants has fluctuated between the low twenties to mid-thirties. In 2015, the number of new applicants was significantly below the 10-year average, with 19 applications compared to the average of 27.9 and rose slightly in 2016 to 22 applications. In 2017, due to the large influx of applications, the number of new applicants rose to 36, the highest in ten years.

In 2017, the number of applicants renewing their applications to the Judicial Council after previously being unsuccessful was also 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 (2008 – 2017)

Year	NEW APPLICATIONS		RENEWED APPLICATIONS	
	Total	Recommended After Interview	Total	Recommended After Interview
2017	36	9	24	5
2016	22	9	20	3
2015	19	11	7	5
2014	34	10	16	9
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
Average Number	27.9	8.9	18.4	4.4
% of Average		31.9%		23.9%

Gender

According to the [Law Society of British Columbia's 2017 Report on Performance](#), females make up 40 per cent of the legal profession. ("Profession" is defined as lawyers registered with the Law Society and practising.) In 2015 and 2016, the number of new B.C. lawyers was equal for men and women. In 2017, the number of new female B.C. lawyers rose higher than the number of males. According to the [2016/17 Annual Report of the Provincial Court of B.C.](#), as of March 31, 2017, 41 per cent of full-time Judges were female. Of the 49 Judges appointed during the past-five fiscal years, nearly half (24) have been women, indicating that the proportion of female Judges appointed to the Court has increased in recent years and is approaching parity with males.

In 2017, the Judicial Council recommended 14 applicants for full-time appointment, seven female and seven male. The number of female applicants remained above the 10-year average, however the number of male applicants dropped below it.

14 candidates from the list of recommended applicants were appointed by the Lieutenant Governor in Council: 10 female and 4 male. Although the same number of males were recommended, more females were selected for appointment.

Age and Gender

The average age of applicants to the Court in 2017 was 53 years for both males and females. From 2008 to 2017, applicants had an average age of 51.8 years, with 53.1 years for males and 50.5 years for females.

Figure A.3: Applicants by Age and Gender (2008 – 2017)

Year	Total	Male	%	Average Age	Female	%	Average Age
2017	63	41	65%	53	22	35%	53
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
Average	47.3	28.5	59%	53.1	18.8	41%	50.5

Years of Practice

From 2008 to 2017, applicants have had an average of 22 years of legal practice. Male applicants had an average of 23.5 years of practice, while female applicants had an average of 20.4 years. Of those who applied in 2017, female applicants had, on average, two years of more practice experience (23 years) than their male counterparts (21 years).

Figure A.4: Applicants by Gender and Years of Experience (2008 – 2017)

Year	Gender	Applicants	Years of Practice
2017	M	41	21
	F	22	23
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
Average		23.7	22.0

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 about two-thirds of the total number, in 2017 they formed 52 per cent. Crown Counsel formed 33 per cent and applications from other areas formed fifteen per cent of the total number in 2017. Figure A.5 does not include three retired judges who applied for part-time reappointments, therefore, the total number of applicants equals 60 instead of 63.

Figure A.5: Applicants by Gender and Area of Practice (2008 – 2017)

Type of Practice		Private	Crown Counsel	Other Areas
2017	Total	31	20	9
	M	20	11	7
	F	11	9	2
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
Average		18.1	8.3	4.4



Any member of the public who has 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 send it to the Council in writing by any of the following:

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