



THE PROVINCIAL COURT OF BRITISH COLUMBIA

A Report of the Provincial Court of British Columbia Concerning Judicial Resources¹

March 31, 2013

¹ On September 14, 2010 the Provincial Court of British Columbia released its *“Justice Delayed”* Report. The Report concluded that it would be appropriate to issue regular updates to the Attorney General and the public concerning the judicial complement of the Court, caseloads and times to trial in each area of the Court’s jurisdiction.

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1. Introduction

On September 14, 2010, the Provincial Court of British Columbia released its “*Justice Delayed*” Report. The Report concluded that it would be appropriate to issue regular updates to the Attorney General and the public concerning the judicial complement of the Court, as well as caseloads, and times to trial in each area of the Court’s jurisdiction.

This document provides the following updates as of March 31, 2013:

- Total Judge Complement and Judge FTE’s [number of Judges];
- Adult Criminal Cases Exceeding the Court’s Standard;
- Adult Criminal Weighted Provincial Delay;
- Child Protection Weighted Provincial Delay;
- Family Weighted Provincial Delay;
- Civil Small Claims Weighted Provincial Delay;
- Locations with the Longest Delays to Trial in each area of the Court’s jurisdiction.

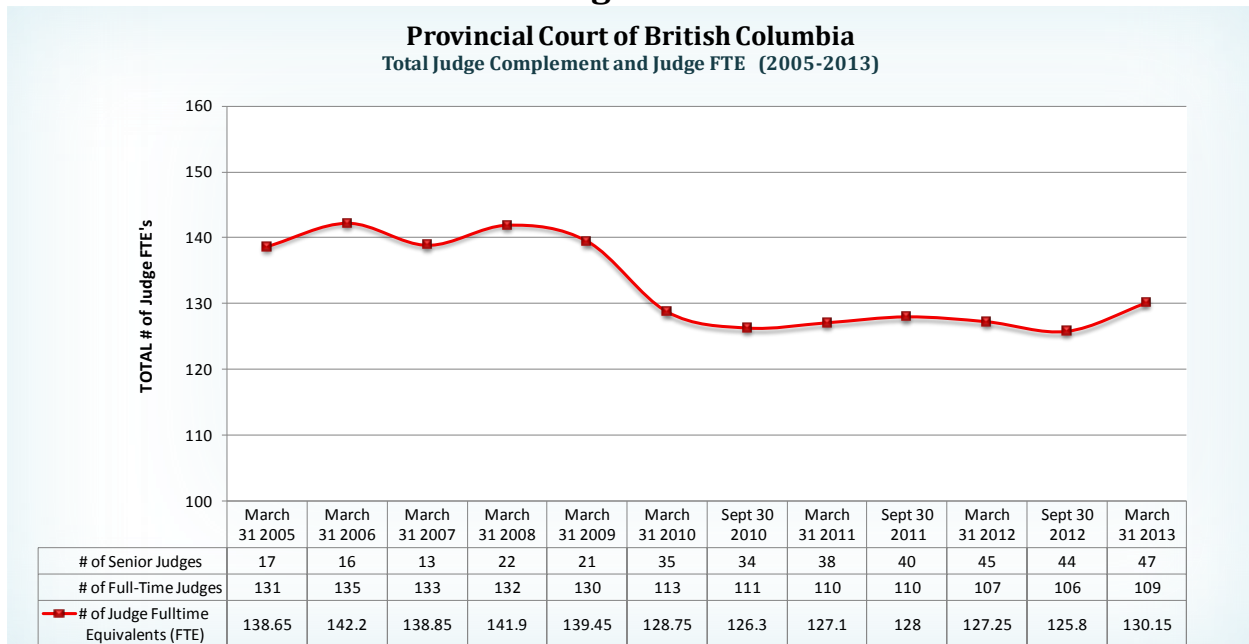
The next scheduled update will be based on data obtained as of September 30, 2013.

2. Total Judge Complement and Judge FTE's

The Judge Complement is based on the total number of fulltime and Senior Judges who were sitting as Provincial Court Judges as of March 31, 2013. Information regarding the current complement can be found [here](#).

When the *Justice Delayed* report was issued in September 2010, the judicial complement was 126.30. As of March 31, 2013, it was 130.15, or 8.5 Judges less than at March 31, 2005. **Figure 1** summarizes changes in the Judge Complement between March, 2005 and March, 2013.

Figure 1



Data Source: Rota6.

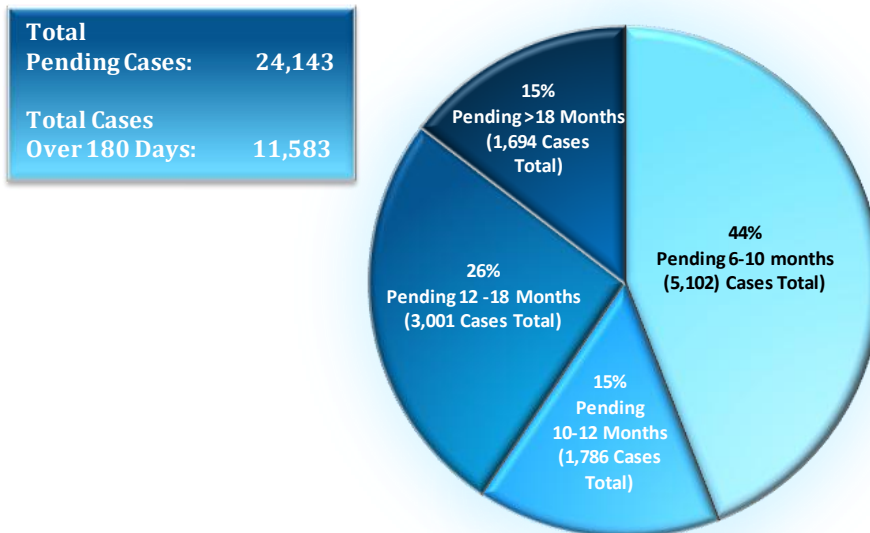
TOTAL Judicial fulltime equivalent positions = the number of fulltime sitting judges + the number of senior Judges. Each fulltime judge is calculated at 1.0 JFTE; each senior judge is calculated at 0.45 JFTE.

3. Adult Criminal Pending Caseloads Over 180 Days

The current report is as of the ends of calendar year 2012, and represents a snapshot of the pending case inventory for all cases over 180 days. **Figure 2** breaks these cases into 4 different timelines: 6 to 10 months, 10-12 months, 12-18 months, and over 18 months. These results are preliminary and will be adjusted once the data has been finalized. Pending cases are likely to adjust upwards due to data latency issues.

Figure 2

Adult Criminal Caseloads Pending Over 180 Days as at December 31, 2012⁽¹⁾



Data Source: CORIN Database

⁽¹⁾ Provincial Court Pending Case 180 days: A case that has not completed where the number of days between the first appearance and the next scheduled appearance is over 180 days.

Figure 2.1 summarizes adult criminal pending caseload data over the past five reporting periods.

Figure 2.1

Report	Total Pending	Over 180 Days	6-10 Months	10-12 Months	12-18 Months	>18 Months
09/2010	28,867	15,859	5,915	3,050	4,856	2,038
09/2011	25,038	14,016	3,946	2,463	5,085	2,522
03/2012	25,333	13,548	4,574	2,144	4,358	2,472
09/2012	24,148	12,418	4,605	1,998	3,729	2,086
03/2013	24,143	11,583	5,102	1,786	3,001	1,694

Delay Reports

Figures 3 to 8 are weighted province-wide delays for each area of the Court’s jurisdiction. They set out the average provincial wait time (weighted by case load), in months, from the time a request is made to the ‘first available date’ for various types of proceedings. These tables compare results for June, 2005 to the three-year period from March, 2010 to March, 2013. ‘First available dates’ do not include those that have opened up due to cancellations, since that is not when the court would normally schedule the matter. Wait times also take into account any cases currently waiting to be scheduled, factoring them into the delay estimates. Each figure also includes the Office of the Chief Judge (OCJ) Standard for wait times. In order to meet the OCJ standard, 90% of cases must meet the listed time to trial. The standards are set out in the descriptions of each figure and are visually represented as an arrow.

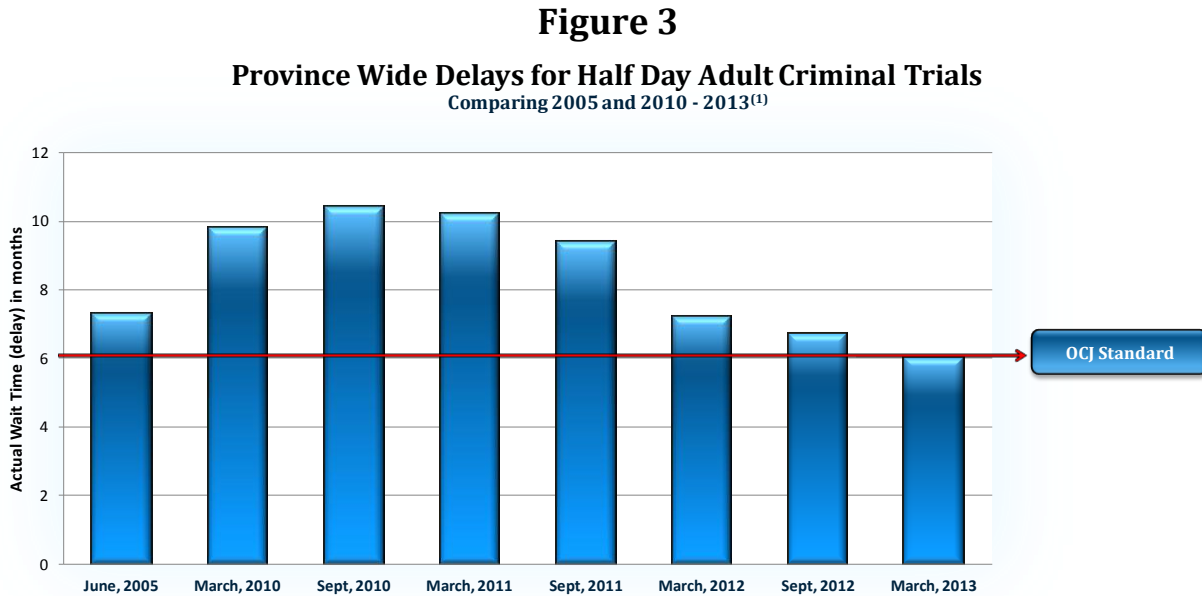
Figures 3.1 to 8.1 represent the ten locations with the longest delays to trial in each area of the Court’s jurisdiction. Results for Adult Criminal and Civil proceedings are broken down into delays for trials of different expected durations (‘half day’ and ‘two or more day’ trials). Smaller locations - i.e. those falling below the median provincial caseload - are screened out of these calculations, as they experience more volatility (and thus, a long wait time in any given quarter is less likely to be indicative of a concerning trend). These tables also contain the OCJ standard.

Figures 3.2 to 7.2 examine the history of each location included in Figures 3.1 to 7.1 with respect to previous ‘longest delay’ tables.² These tables compare the location’s current rank with its rank in the immediately previous report (if any – those locations that weren’t ranked in the last report are marked with a dash). They also track the number of times a location has been included in any ‘longest delay’ table of the kind. There have been a total of five updated *Justice Delayed* reports (including this one), so a score of ‘5’ in the third column of Figures 3.2 to 7.2 indicates that a location has been in every report.

² There is no Figure 8.2 because Figure 8.1 is new as of this report.

4. Criminal

Figure 3 sets out the number of months between an Arraignment Hearing/Fix Date and the first available court date for a typical half day **Adult Criminal Trial**. These results do not take into account delays between a first appearance in Court and the Arraignment Hearing/Fix Date. The **OCJ standard** for adult criminal half day trials is **six months** from the arraignment hearing to the first available trial date.



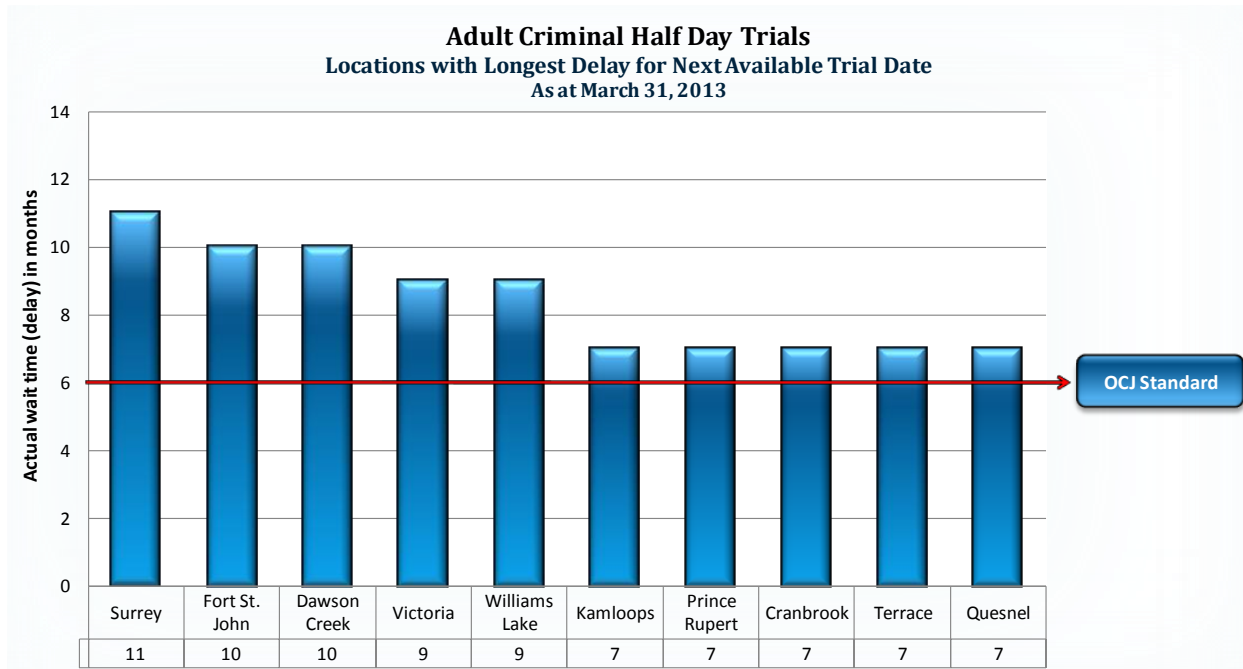
Data Source: Judicial (Quarterly) Next Available Date Surveys.

⁽¹⁾All locations in the province were weighted based on the following caseload time periods:

- 2004/05 new caseloads for the June, 2005 delays
- Calendar year 2009 new caseloads for the March, 2010 delays
- 2009/10 new caseloads for the September, 2010 delays
- Calendar year 2010 new caseloads for the March, 2011 delays
- 2010/11 new caseloads for the September, 2011 delays
- Calendar year 2011 new caseloads for the March, 2012 delays
- 2011/12 new caseloads for the September, 2012 delays
- Calendar year 2012 new caseloads for the March, 2013 delays

Figure 3.1 sets out wait times for locations with the longest scheduling delays for **Adult Criminal Half Day Trials**.

Figure 3.1



Data Source: Judicial (Quarterly) Next Available Date Surveys.

Figure 3.2 sets out the history of each location in Figure 3.1 in previous **Adult Criminal Half Day Trial** longest delay tables.

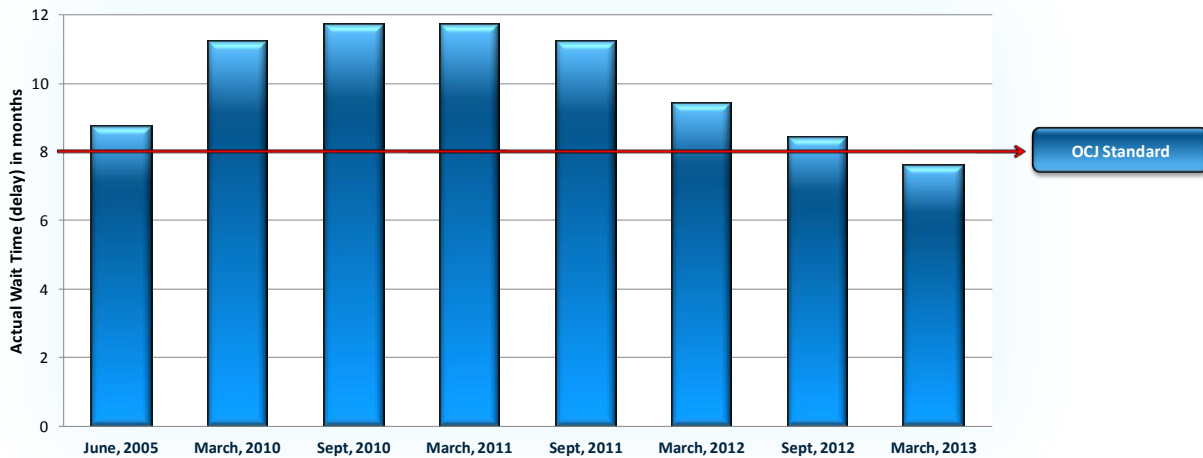
Figure 3.2

	Location	Previous Rank (September, 2012)	Number of times in the 'top ten' in the past five reporting periods
1	Surrey	1	5
2	Fort St. John	3	4
3	Dawson Creek	-	2
4	Victoria	2	4
5	Williams Lake	9	2
6	Kamloops	6	4
7	Prince Rupert	-	2
8	Cranbrook	10	2
9	Terrace	4	5
10	Quesnel	-	2

Figure 4 sets out the number of months between an Arraignment Hearing/Fix Date and the first available court date for a typical two or more day **Adult Criminal Trial**. These results do not take into account delays between a first appearance in Court and the Arraignment Hearing/Fix Date. The **OCJ standard** for adult criminal two or more day trials is **eight months** from the arraignment hearing to the first available trial date.

Figure 4

Province Wide Delays for Two or More Day Adult Criminal Trials
 Comparing 2005 and 2010 - 2013⁽¹⁾



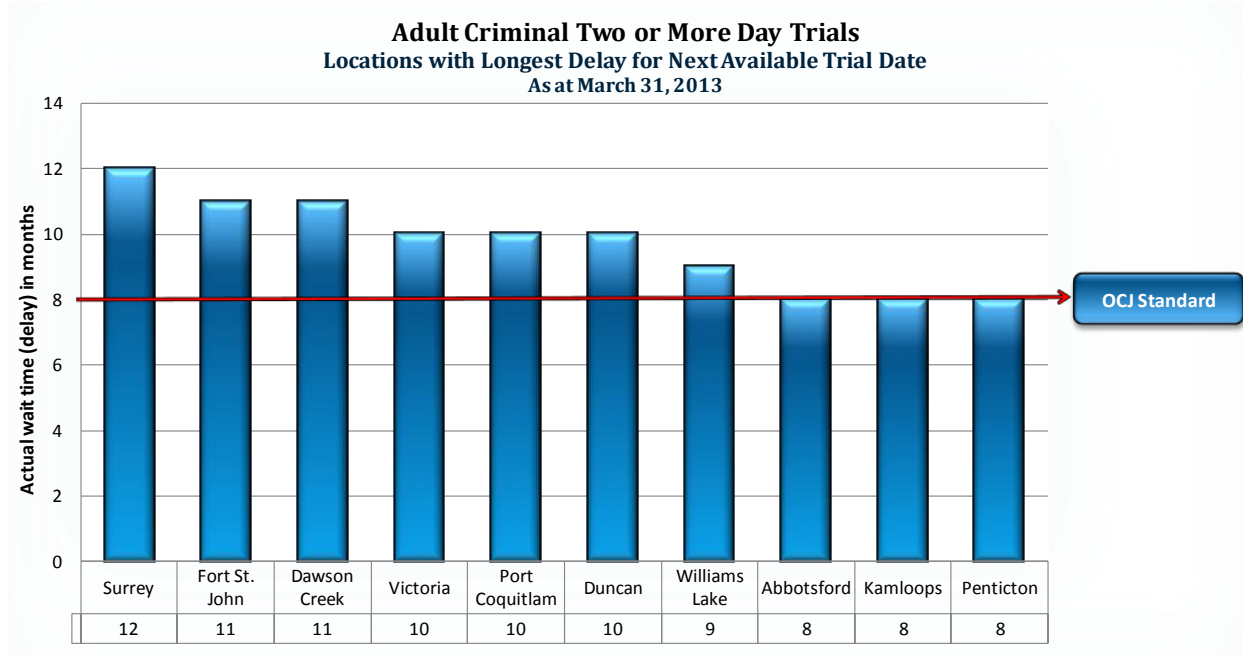
Data Source: Judicial (Quarterly) Next Available Date Surveys.

⁽¹⁾All locations in the province were weighted based on the following caseload time periods:

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- Calendar year 2009 new caseloads for the March, 2010 delays
- 2009/10 new caseloads for the September, 2010 delays
- Calendar year 2010 new caseloads for the March, 2011 delays
- 2010/11 new caseloads for the September, 2011 delays
- Calendar year 2011 new caseloads for the March, 2012 delays
- 2011/12 new caseloads for the September, 2012 delays
- Calendar year 2012 new caseloads for the March, 2013 delays

Figure 4.1 sets out wait times for locations with the longest scheduling delays for **Adult Criminal Two Day Trials**.

Figure 4.1



Data Source: Judicial (Quarterly) Next Available Date Surveys.

Figure 4.2 sets out the history of each location in Figure 4.1 in previous **Adult Criminal Two Day Trial** longest delay tables.

Figure 4.2

	Location	Previous Rank (September, 2012)	Number of times in the 'top ten' in the past five reporting periods
1	Surrey	2	5
2	Fort St. John	7	4
3	Dawson Creek	-	2
4	Victoria	4	3
5	Port Coquitlam	1	4
6	Duncan	6	3
7	Williams Lake	-	1
8	Abbotsford	-	1
9	Kamloops	-	3
10	Penticton	-	4

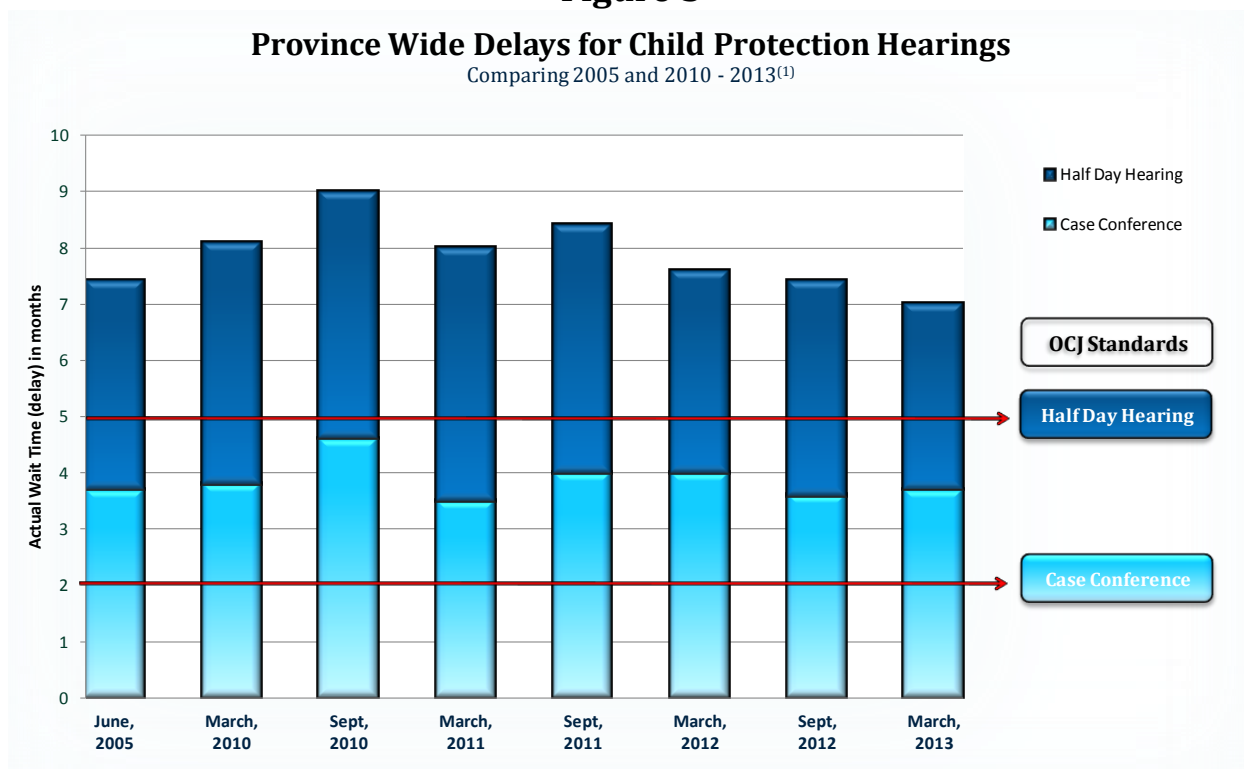
5. Child Protection

Figure 5 is a set of stacked columns depicting the average number of months between:

- An initial filing and the first available date for a case conference, and
- The case conference and the first available date for a typical half day **Child Protection Hearing**

The columns as a whole provide the average cumulative delay in this process. The **OCJ Standard** for child protection hearings is **two months** from initial filing to case conference date, and **three months** from the case conference to the first available half day hearing.

Figure 5



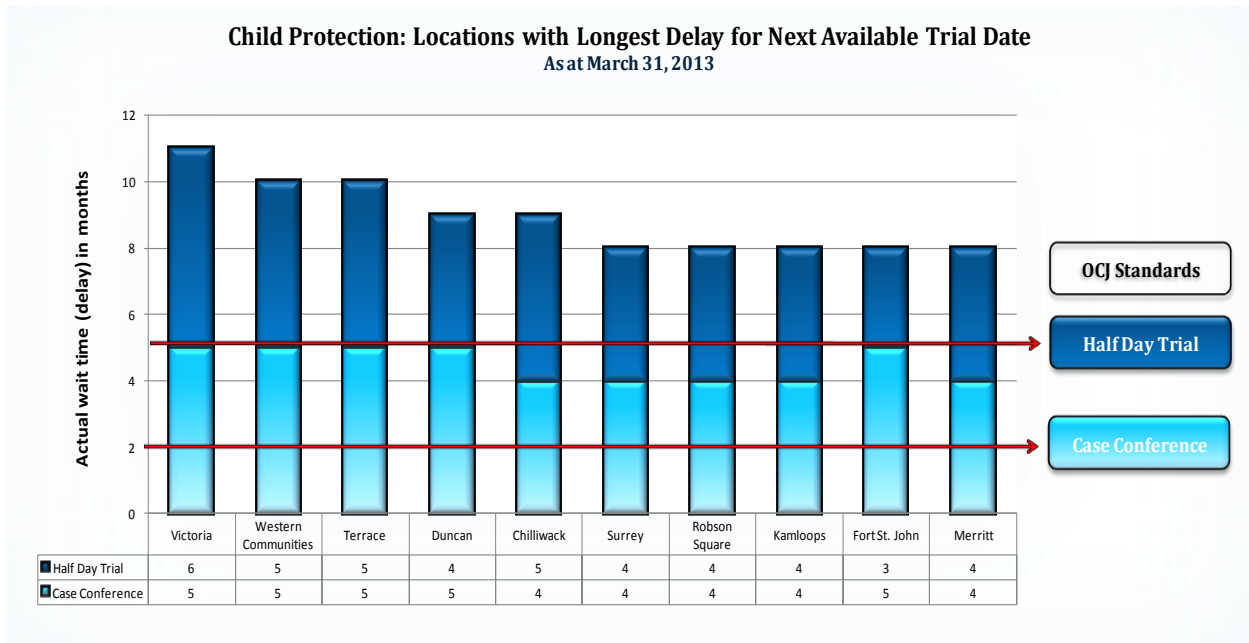
Data Source: Judicial (Quarterly) Next Available Date Surveys.

⁽¹⁾All locations in the province were weighted based on the following caseload time periods:

- 2004/05 new caseloads for the June, 2005 delays
- Calendar year 2009 new caseloads for the March, 2010 delays
- 2009/10 new caseloads for the September, 2010 delays
- Calendar year 2010 new caseloads for the March, 2011 delays
- 2010/11 new caseloads for the September, 2011 delays
- Calendar year 2011 new caseloads for the March, 2012 delays
- 2011/12 new caseloads for the September, 2012 delays
- Calendar year 2012 new caseloads for the March, 2013 delays

Figure 5.1 sets out wait times for locations with the longest scheduling delay for **Child Protection Hearings**.

Figure 5.1



Data Source: Judicial (Quarterly) Next Available Date Surveys.

Figure 5.2 sets out the history of each location in Figure 5.1 in previous **Child Protection Hearing** longest delay tables.

Figure 5.2

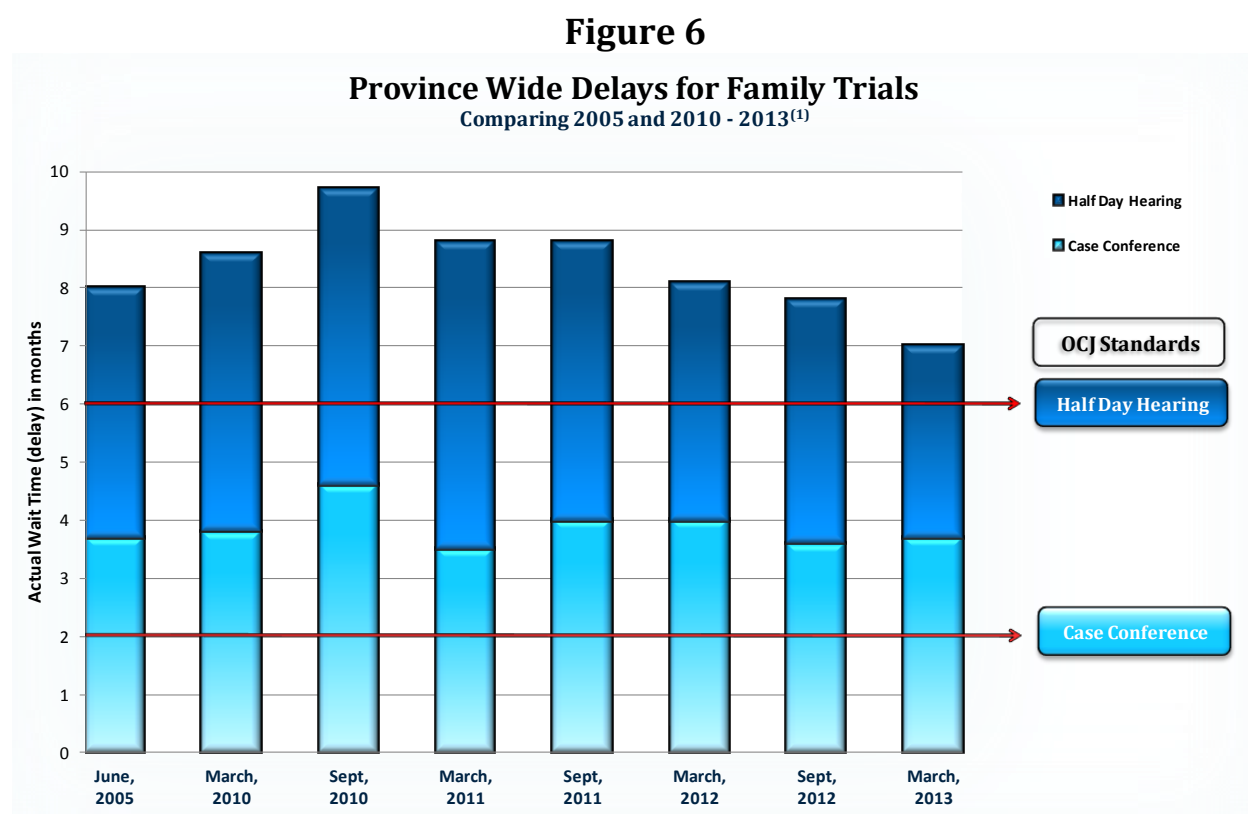
	Location	Previous Rank (September, 2012)	Number of times in the 'top ten' in the past five reporting periods
1	Victoria	3	2
2	Western Communities	-	1
3	Terrace	4	5
4	Duncan	-	1
5	Chilliwack	6	5
6	Surrey	-	1
7	Robson Square	-	2
8	Kamloops	-	2
9	Fort St. John	2	2
10	Merritt	-	1

6. Family

Figure 6 is a set of stacked columns depicting the average number of months between:

- An initial filing and the first available date for a case conference, and
- The case conference and the first available date for the typical half day **Family Trial**

The columns provide the average cumulative delay in this process. The **OCJ standard** for Family Trials is **two months** from initial filing to case conference date, and **four months** from the case conference to the first available half-day hearing.



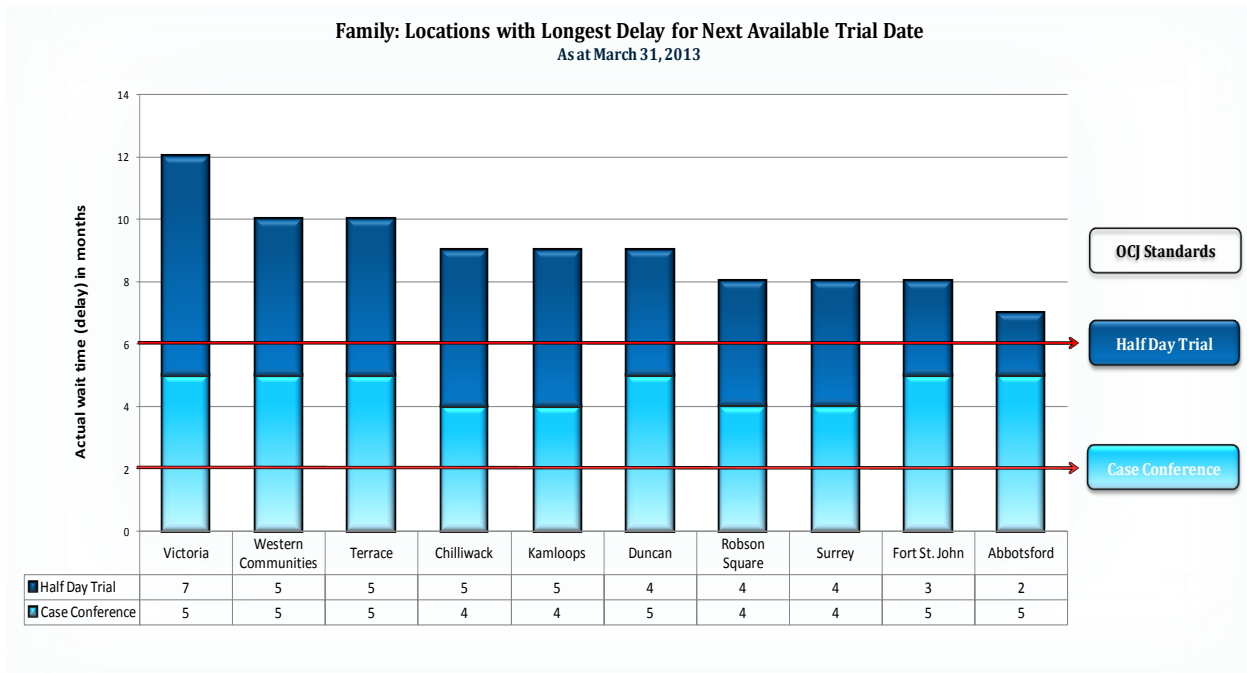
Data Source: Judicial (Quarterly) Next Available Date Surveys.

⁽¹⁾All locations in the province were weighted based on the following caseload time periods:

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- Calendar year 2009 new caseloads for the March, 2010 delays
- 2009/10 new caseloads for the September, 2010 delays
- Calendar year 2010 new caseloads for the March, 2011 delays
- 2010/11 new caseloads for the September, 2011 delays
- Calendar year 2011 new caseloads for the March, 2012 delays
- 2011/12 new caseloads for the September, 2012 delays
- Calendar year 2012 new caseloads for the March, 2013 delays

Figure 6.1 sets out wait times for locations with the longest scheduling delay for Family Trials.

Figure 6.1



Data Source: Judicial (Quarterly) Next Available Date Surveys.

Figure 6.2 sets out the history of each location in Figure 6.1 in previous Family Trial longest delay tables.

Figure 6.2

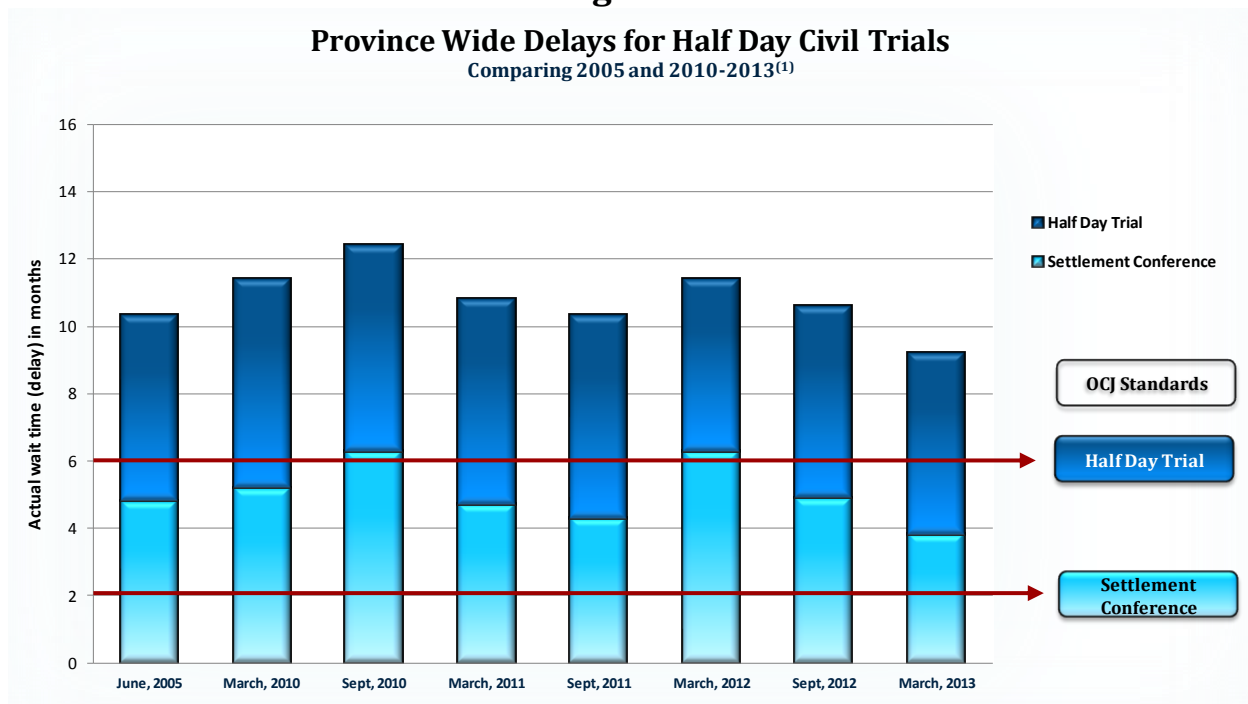
	Location	Previous Rank (September, 2012)	Number of times in the 'top ten' in the past five reporting periods
1	Victoria	3	3
2	Western Communities	-	1
3	Terrace	5	5
4	Chilliwack	7	5
5	Kamloops	4	5
6	Duncan	-	1
7	Robson Square	-	2
8	Surrey	-	2
9	Fort St. John	2	2
10	Abbotsford	10	2

7. Civil

Figure 7 is a set of stacked columns depicting the average number of months between the filing of a reply and the first available settlement conference date, as well as between the date of the settlement conference and the first available date for a typical half day **Small Claims Trial**.

Taken as a whole, these columns indicate the total average delay between the filing of a reply and the trial date. This measure does not take into account the time between filing the initial claim and the date when all pleadings are closed (replies and other documentation filed). The **OCJ Standard** for small claims is **two months** from final document filing to the settlement conference and **four months** from the settlement conference to the first available half day trial.

Figure 7



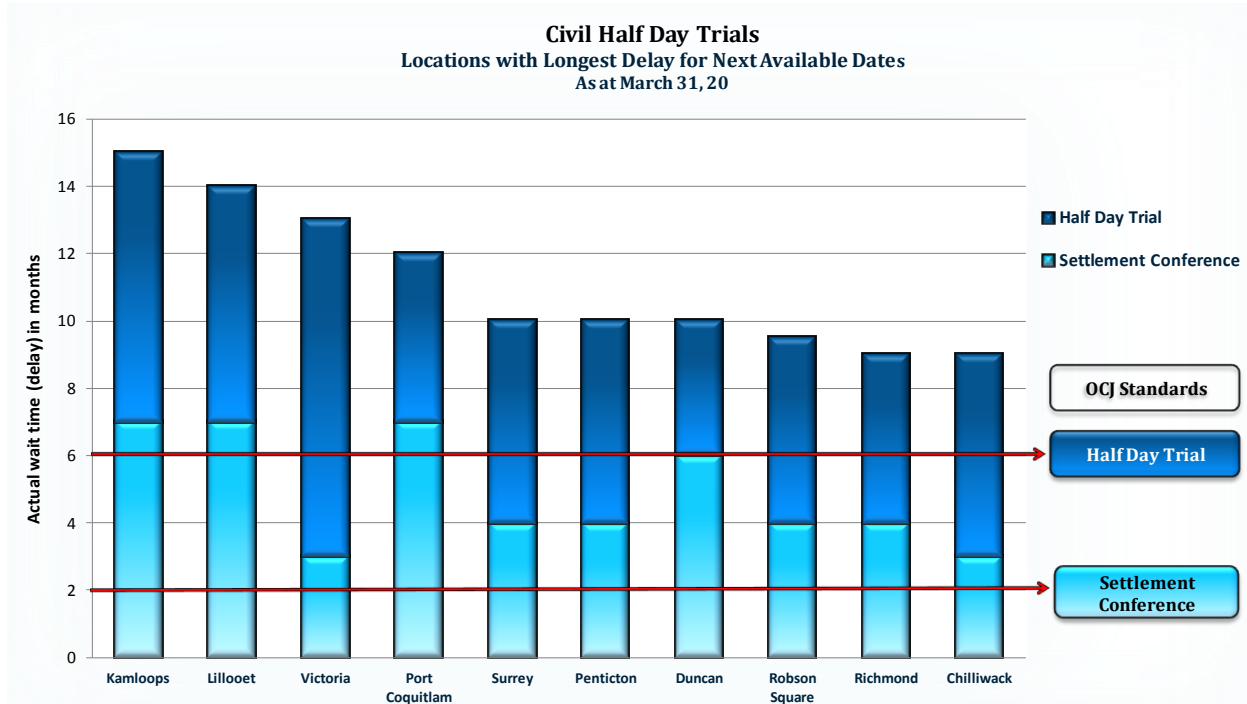
Data Source: Judicial (Quarterly) Next Available Date Surveys.

⁽¹⁾All locations in the province were weighted based on the following caseload time periods:

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- Calendar year 2009 new caseloads for the March, 2010 delays
- 2009/10 new caseloads for the September, 2010 delays
- Calendar year 2010 new caseloads for the March, 2011 delays
- 2010/11 new caseloads for the September, 2011 delays
- Calendar year 2011 new caseloads for the March, 2012 delays
- 2011/12 new caseloads for the September, 2012 delays
- Calendar year 2012 new caseloads for the March, 2013 delays

Figure 7.1 sets out wait times for locations with the longest scheduling delay for Civil Half Day Trials.

Figure 7.1



Data Source: Judicial (Quarterly) Next Available Date Surveys.

Figure 7.2 sets out the history of each location in Figure 7.1 in previous Small Claims Trial longest delay tables.

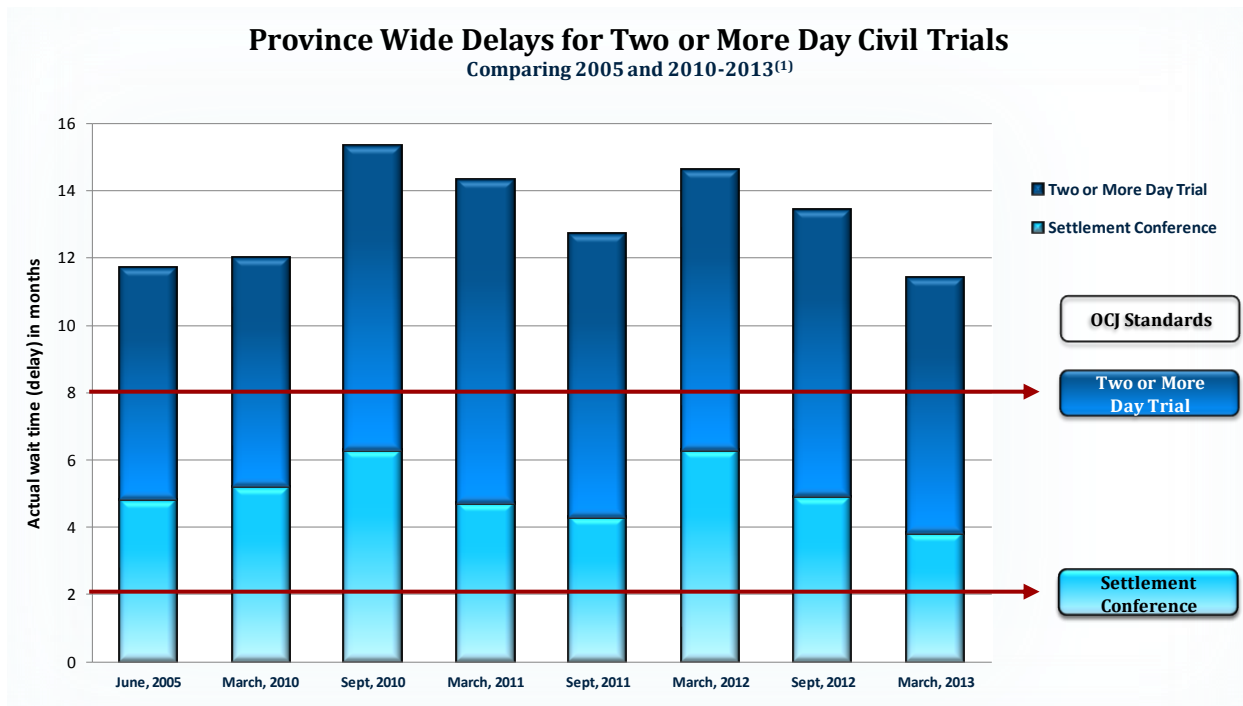
Figure 7.2

	Location	Previous Rank (September, 2012)	Number of times in the 'top ten' in the past five reporting periods
1	Kamloops	7	4
2	Lillooet	-	1
3	Victoria	3	3
4	Port Coquitlam	2	4
5	Surrey	-	2
6	Penticton	10	3
7	Duncan	4	3
8	Robson Square	-	1
9	Richmond	-	2
10	Chilliwack	6	4

Figure 8 is a set of stacked columns depicting the average number of months between the filing of a reply and the first available settlement conference date, as well as between the date of the settlement conference and the first available date for a typical two or more day **Small Claims Trial**.

Taken as a whole, these columns indicate the total average delay between the filing of a reply and the trial date. This measure does not take into account the time between filing the initial claim and the date when all pleadings are closed (replies and other documentation filed). The **OCJ Standard** for small claims is **two months** from final document filing to the settlement conference and **six months** from the settlement conference to the first available two or more day trial.

Figure 8



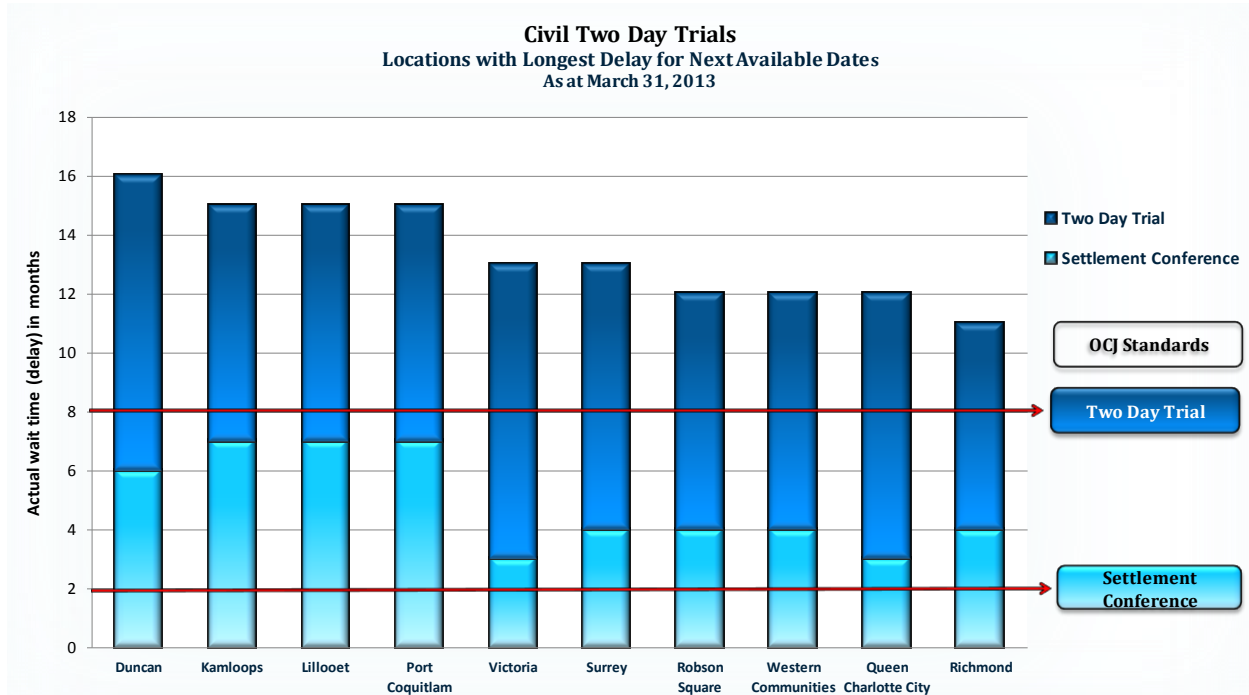
Data Source: Judicial (Quarterly) Next Available Date Surveys.

⁽¹⁾ All locations in the province were weighted based on the following caseload time periods:

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- Calendar year 2009 new caseloads for the March, 2010 delays
- 2009/10 new caseloads for the September, 2010 delays
- Calendar year 2010 new caseloads for the March, 2011 delays
- 2010/11 new caseloads for the September, 2011 delays
- Calendar year 2011 new caseloads for the March, 2012 delays
- 2011/12 new caseloads for the September, 2012 delays
- Calendar year 2012 new caseloads for the March, 2013 delays

Figure 8.1 sets out wait times for locations with the longest scheduling delay for Civil Two Day Trials.

Figure 8.1



Data Source: Judicial (Quarterly) Next Available Date Surveys.

There can be no comparison of Figure 8.1 to previous data because this report is new as of this update.