



THE PROVINCIAL COURT OF BRITISH COLUMBIA

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## A Report of the Provincial Court of British Columbia Concerning Judicial Resources<sup>1</sup>

September 30, 2013

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<sup>1</sup> 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.

# Table of Contents

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- 1. Introduction**..... 3
- 2. Total Judge Complement and Judge FTE’s**..... 4
  - Figure 1: Total Judge Complement (2005 – 2013)..... 4
- 3. Adult Criminal Pending Caseloads Over 180 Days**..... 5
  - Figure 2: Adult Criminal Pending Cases by Timeline ..... 5
  - Figure 2.1: Historical Summary of Adult Criminal Pending Cases..... 5
- Delay Reports**..... 6
- 4. Criminal** ..... 7
  - Figure 3: Province Wide Delay (Half Day Trials) ..... 7
  - Figure 3.1: Locations with the Longest Time to Trial (Half Day Trials)..... 8
  - Figure 3.2: Historical Summary of the Longest Time to Trial (Half Day Trials) ..... 8
  - Figure 4: Province Wide Delay (Two or More Day Trials)..... 9
  - Figure 4.1: Locations with the Longest Time to Trial (Two or More Day Trials) ..... 10
  - Figure 4.2: Historical Summary of the Longest Time to Trial (Two or More Day Trials). 10
- 5. Child Protection**..... 11
  - Figure 5: Province Wide Delay ..... 11
  - Figure 5.1: Locations with the Longest Time to Trial..... 12
  - Figure 5.2: Historical Summary of the Longest Time to Trial ..... 12
- 6. Family** ..... 13
  - Figure 6: Province Wide Delay ..... 13
  - Figure 6.1: Locations with the Longest Time to Trial..... 14
  - Figure 6.2: Historical Summary of the Longest Time to Trial ..... 14
- 7. Civil** ..... 15
  - Figure 7: Province Wide Delays (Half Day Trials)..... 15
  - Figure 7.1: Locations with the Longest Time to Trial (Half Day Trials)..... 16
  - Figure 7.2: Historical Summary of the Longest Time to Trial (Half Day Trials) ..... 16
  - Figure 8: Province Wide Delays (Two Day Trials) ..... 17
  - Figure 8.1: Locations with the Longest Time to Trial (Two Day Trials) ..... 18

## 1. Introduction

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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 September 30, 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 Time to Trial in each area of the Court’s jurisdiction.

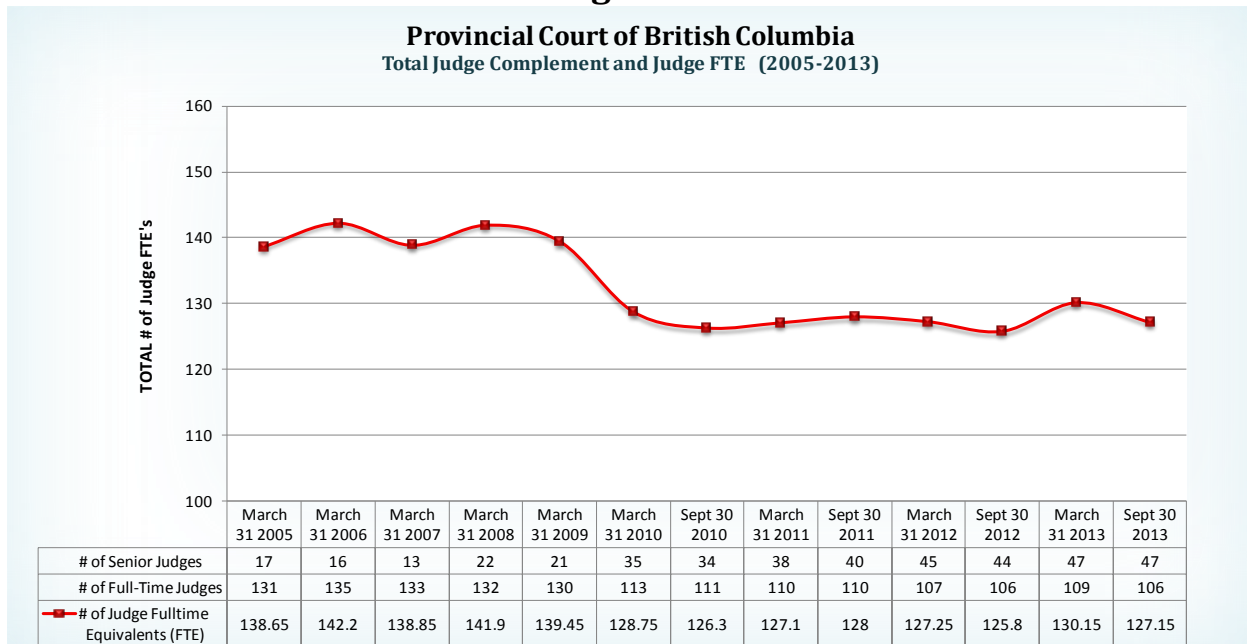
The next scheduled update will be based on data obtained as of March 31, 2014.

## 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 September 30, 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 September 30, 2013, it was 127.15, or 11.5 Judges less than at March 31, 2005. **Figure 1** summarizes changes in the Judge Complement between March, 2005 and September, 2013.

**Figure 1**



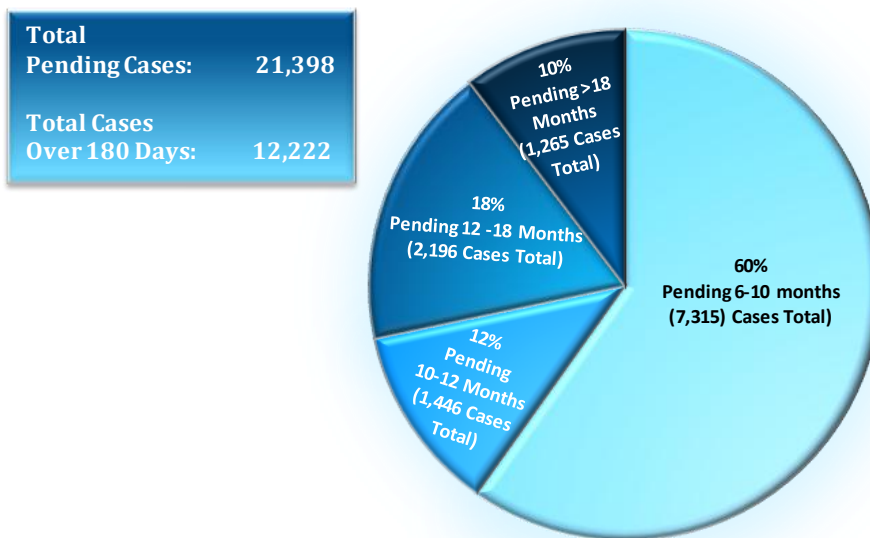
Data Source: Rota6.

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 at the end of fiscal year 2012/13, 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 June 30, 2013 <sup>(1)</sup>



Data Source: CORIN Database

<sup>(1)</sup> 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 six 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
<b>09/2013</b>	<b>21,398</b>	<b>12,222</b>	<b>7,315</b>	<b>1,446</b>	<b>2,196</b>	<b>1,265</b>

## Delay Reports

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**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 September, 2010 to September, 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 time to trial in each area of the Court’s jurisdiction. Results for Adult Criminal and Civil proceedings are broken down into time to trial for 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 time to trial’ tables.<sup>2</sup> 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 time to trial’ table of the kind. There have been a total of six updated *Justice Delayed* reports (including this one), so a score of ‘6’ in the third column of Figures 3.2 to 7.2 indicates that a location has been in every report.

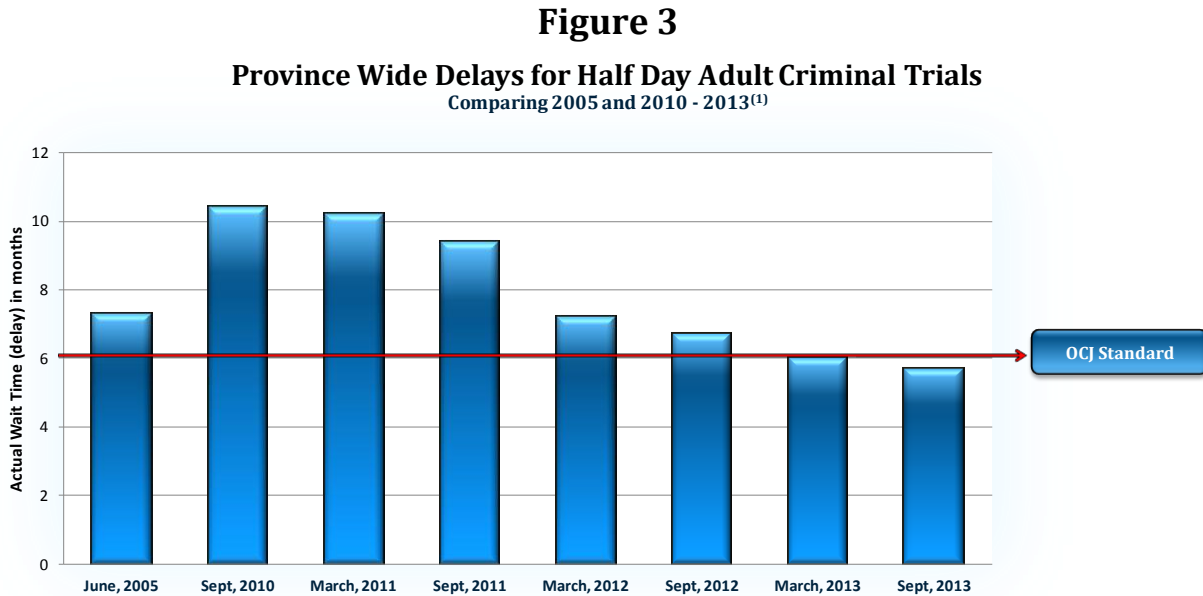
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<sup>2</sup> There is no Figure 8.2 because Figure 8.1 was new as of the previous report.

## 4. Criminal

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**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.



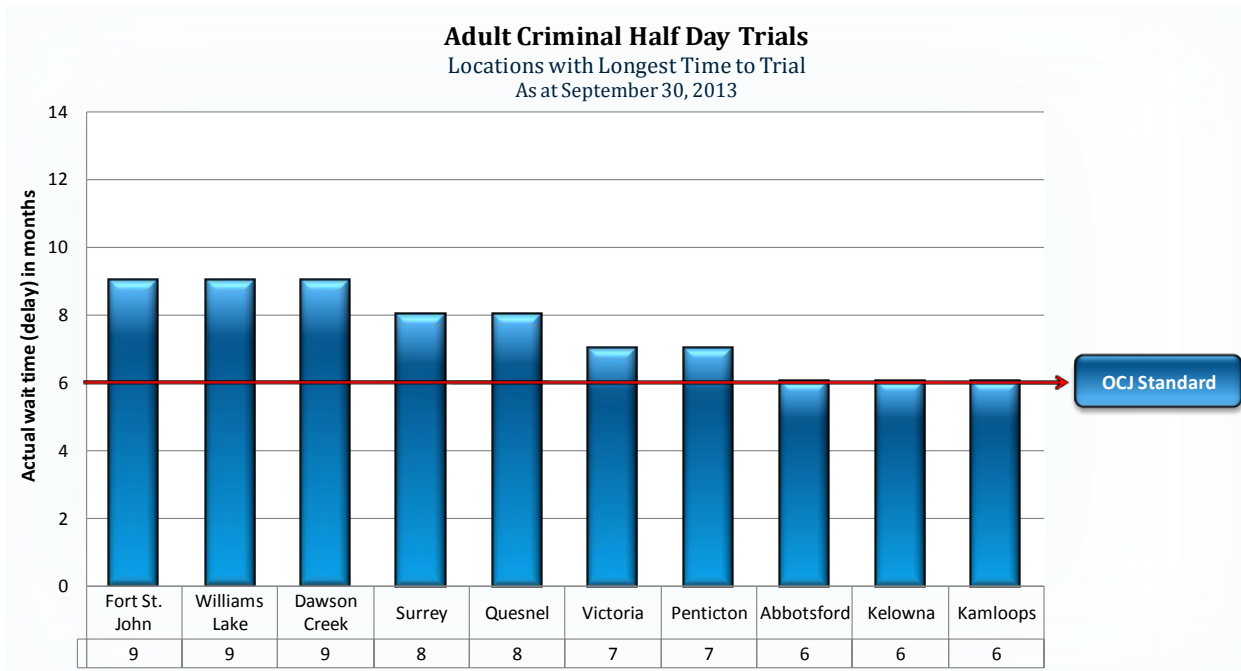
Data Source: Judicial (Quarterly) Next Available Date Surveys.

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

- 2004/05 new caseloads for the June, 2005 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
- 2013/13 new caseloads for September, 2013 delays

Figure 3.1 sets out wait times for locations with the longest time to trial 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 time to trial tables.

**Figure 3.2**

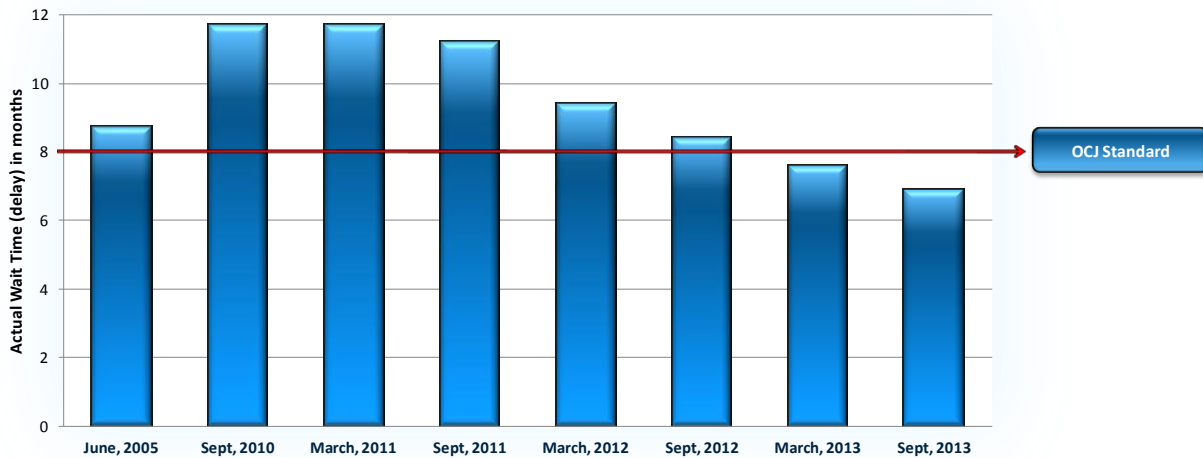
	Location	Previous Rank (March, 2013)	Number of times in the 'top ten' in the past six reporting periods
1	Fort St. John	2	5
2	Williams Lake	5	3
3	Dawson Creek	3	3
4	Surrey	1	6
5	Quesnel	10	3
6	Victoria	4	5
7	Penticton	-	3
8	Abbotsford	-	1
9	Kelowna	-	3
10	Kamloops	6	5



**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<sup>(1)</sup>



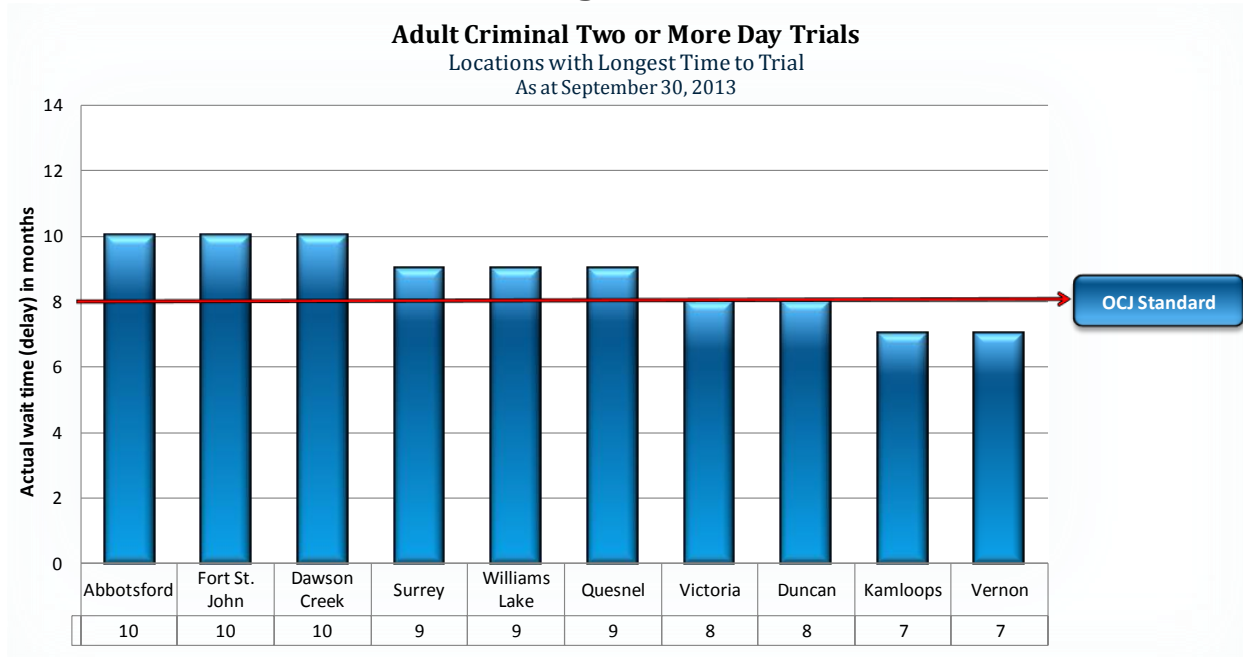
Data Source: Judicial (Quarterly) Next Available Date Surveys.

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

- 2004/05 new caseloads for the June, 2005 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
- 2013/13 new caseloads for September, 2013 delays

Figure 4.1 sets out wait times for locations with the longest time to trial 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 time to trial tables.

**Figure 4.2**

	Location	Previous Rank (March, 2013)	Number of times in the 'top ten' in the past six reporting periods
1	Abbotsford	8	2
2	Fort St. John	2	5
3	Dawson Creek	3	3
4	Surrey	1	6
5	Williams Lake	7	2
6	Quesnel	-	1
7	Victoria	4	4
8	Duncan	6	4
9	Kamloops	9	4
10	Vernon	-	2

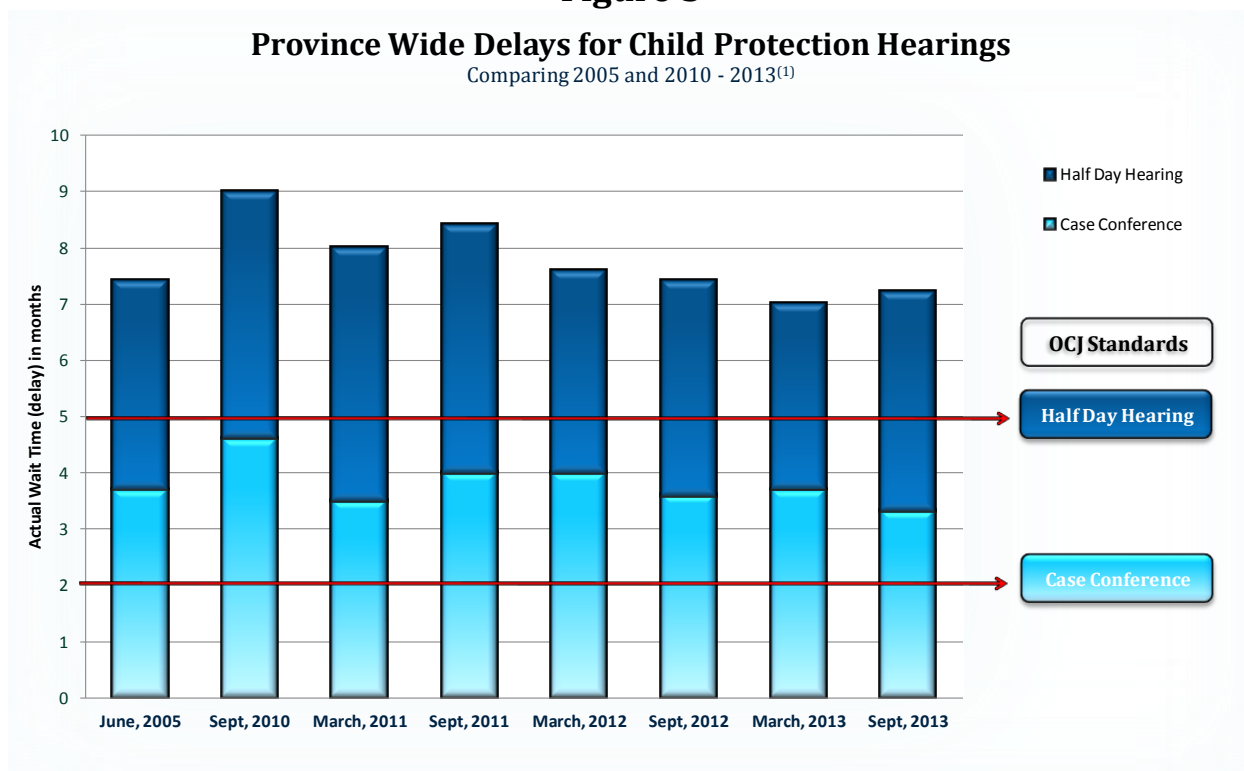
## 5. Child Protection

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**



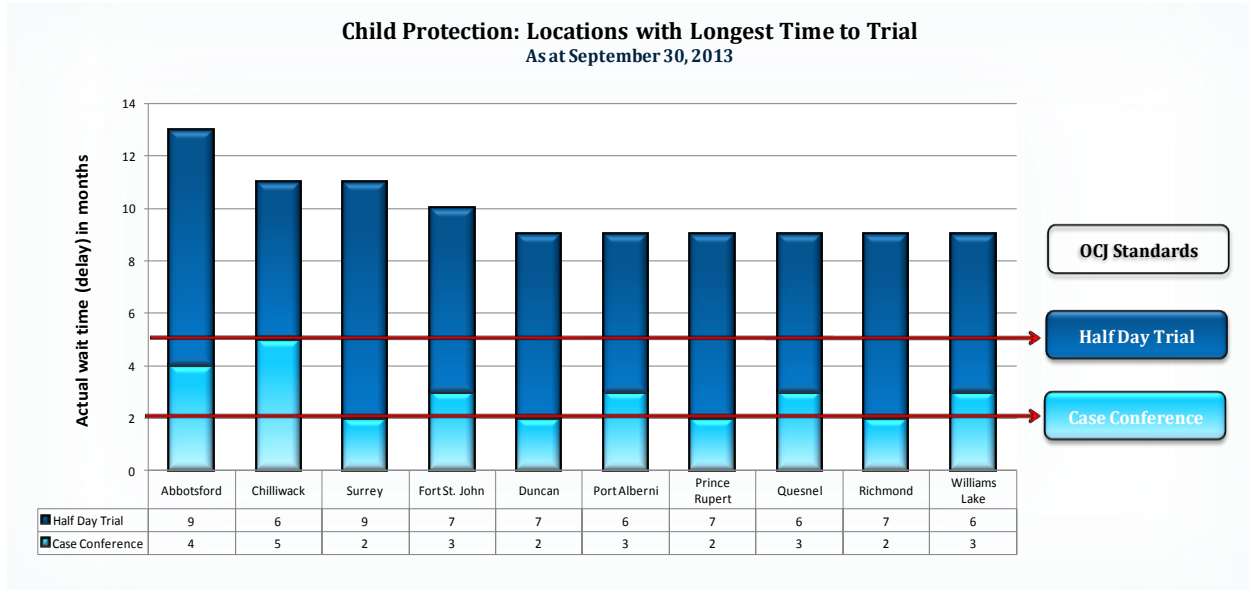
Data Source: Judicial (Quarterly) Next Available Date Surveys.

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

- 2004/05 new caseloads for the June, 2005 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
- 2013/13 new caseloads for September, 2013 delays

Figure 5.1 sets out wait times for locations with the longest time to trial 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 time to trial tables.

**Figure 5.2**

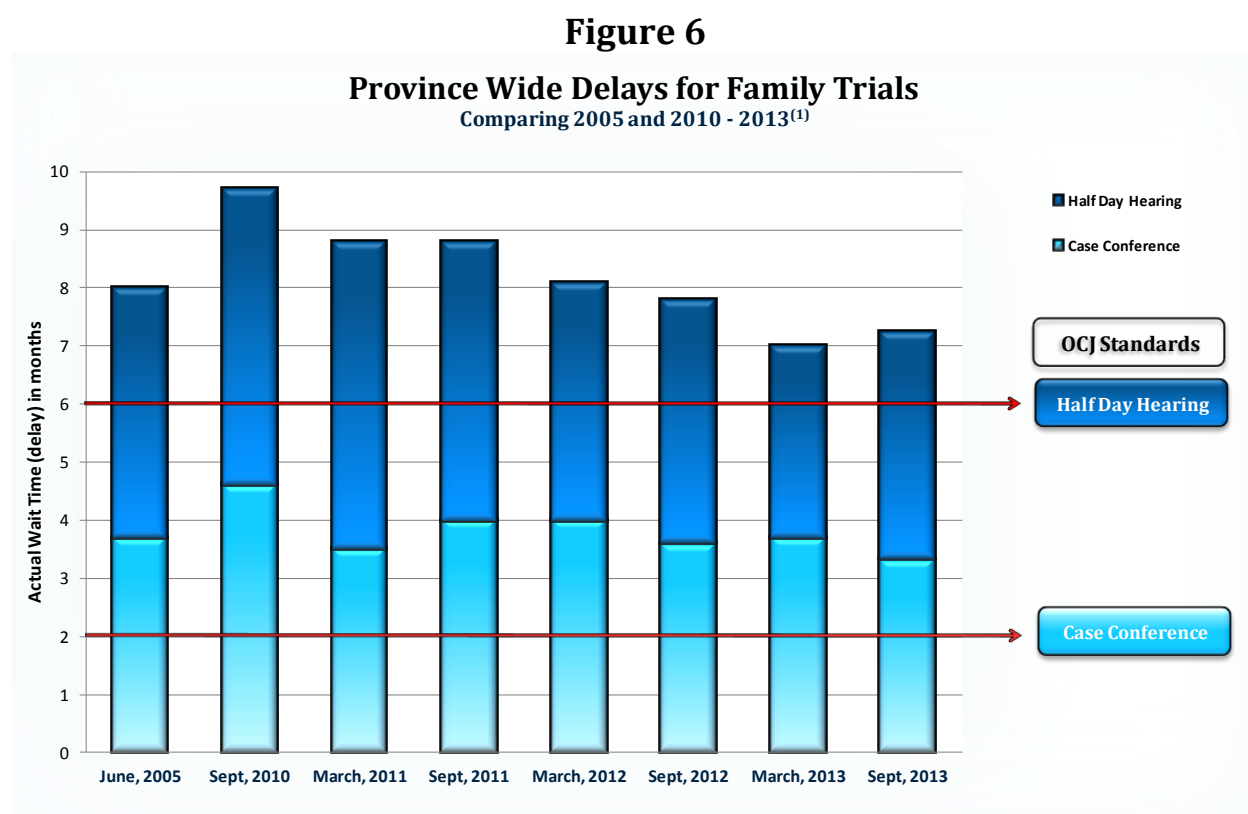
	Location	Previous Rank (March, 2013)	Number of times in the 'top ten' in the past six reporting periods
1	Abbotsford	-	4
2	Chilliwack	5	6
3	Surrey	6	2
4	Fort St. John	9	3
5	Duncan	4	2
6	Port Alberni	-	2
7	Prince Rupert	-	1
8	Quesnel	-	1
9	Richmond	-	2
10	Williams Lake	-	1

## 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.



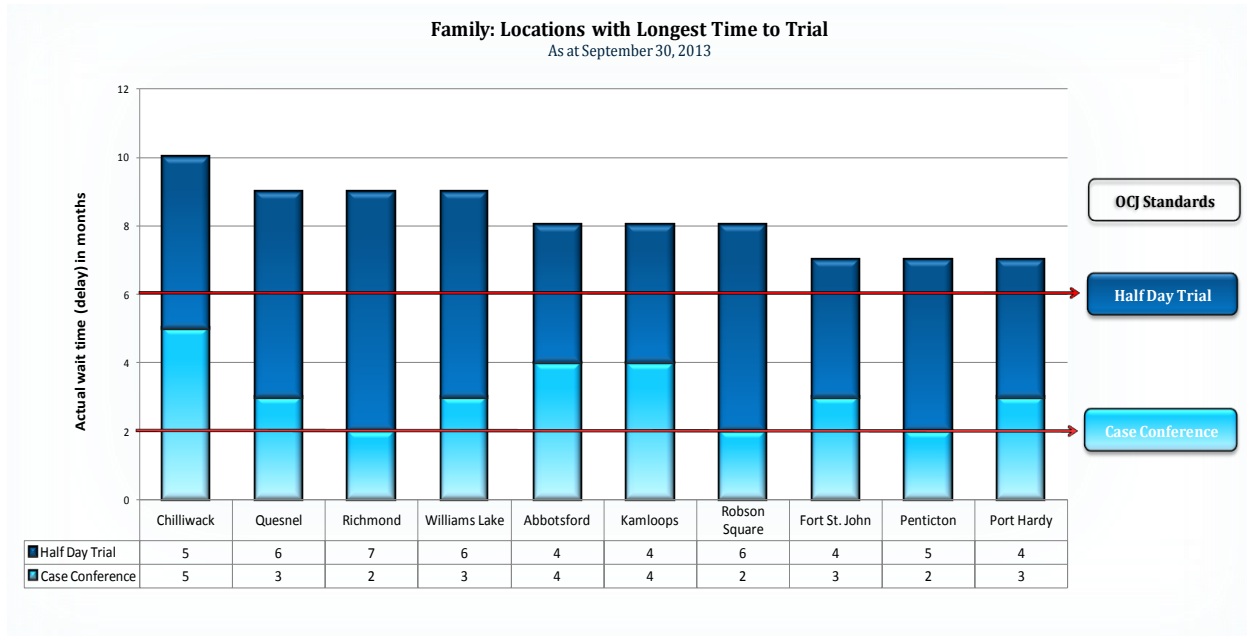
Data Source: Judicial (Quarterly) Next Available Date Surveys.

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

- 2004/05 new caseloads for the June, 2005 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
- 2013/13 new caseloads for September, 2013 delays

Figure 6.1 sets out wait times for locations with the longest time to trial 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 time to trial tables.

**Figure 6.2**

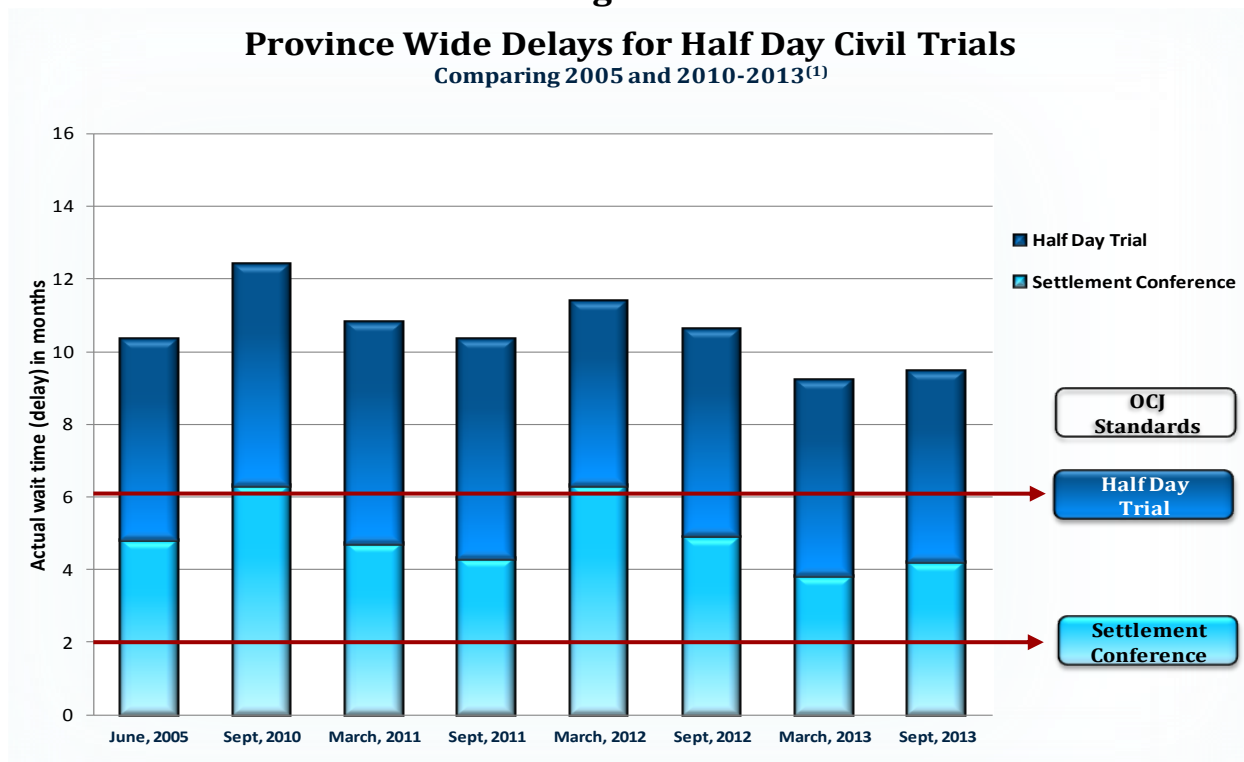
	Location	Previous Rank (March, 2013)	Number of times in the 'top ten' in the past six reporting periods
1	Chilliwack	4	6
2	Quesnel	-	1
3	Richmond	-	1
4	Williams Lake	-	1
5	Abbotsford	-	3
6	Kamloops	5	6
7	Robson Square	7	3
8	Fort St. John	9	3
9	Penticton	-	1
10	Port Hardy	-	1

## 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**



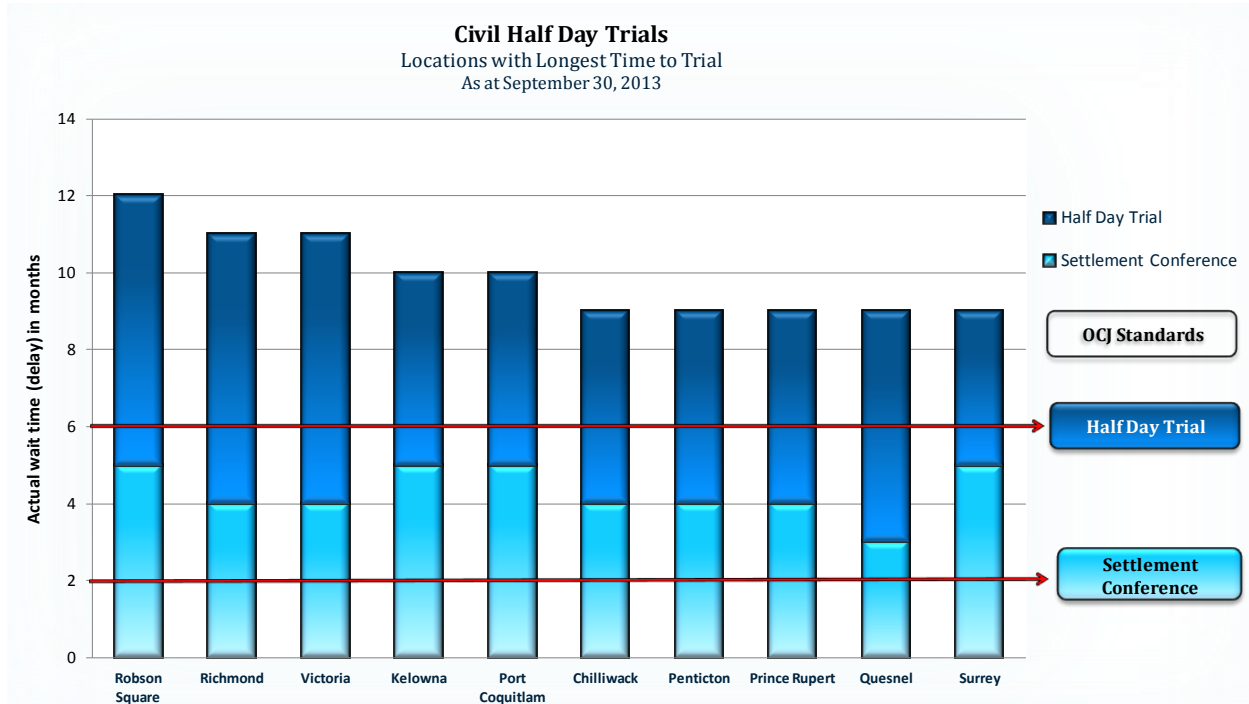
Data Source: Judicial (Quarterly) Next Available Date Surveys.

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

- 2004/05 new caseloads for the June, 2005 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
- 2013/13 new caseloads for September, 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 time to trial tables.

**Figure 7.2**

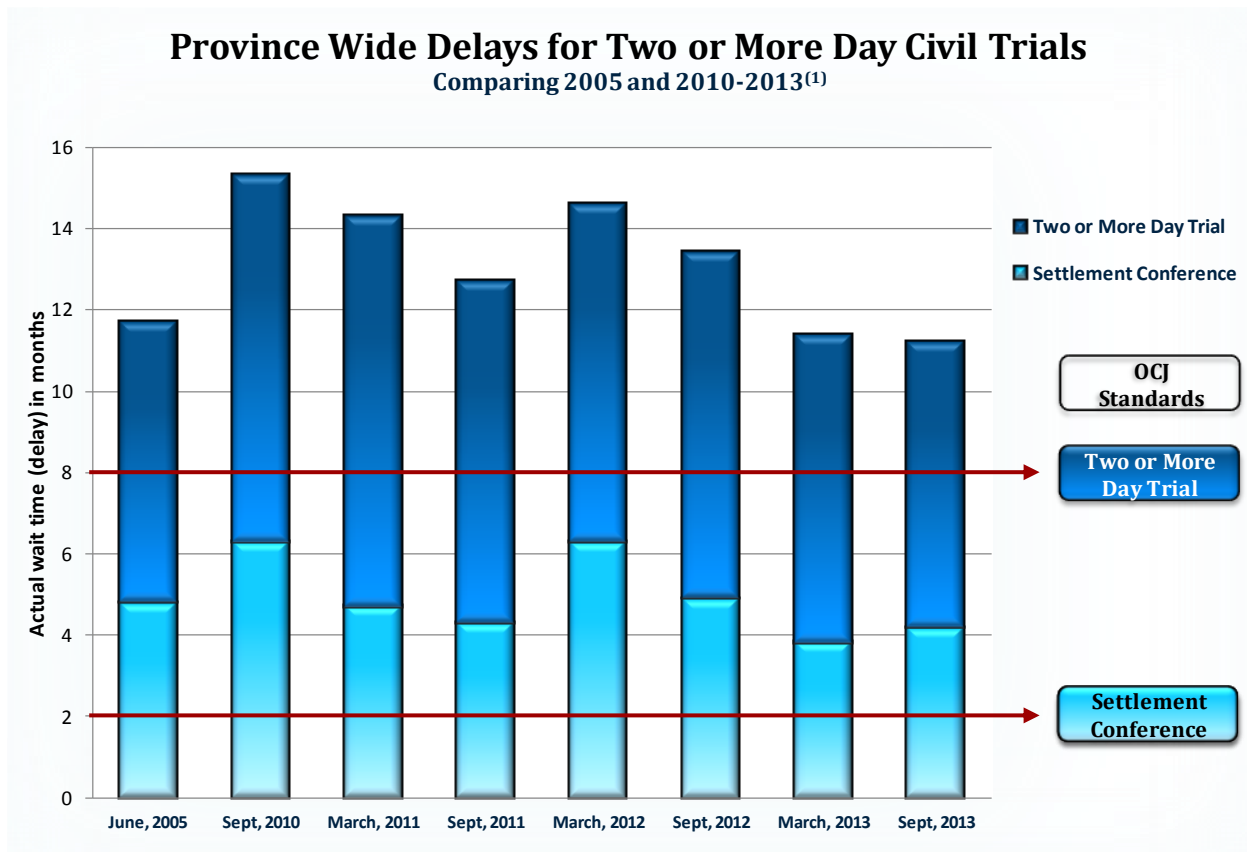
	Location	Previous Rank (March, 2013)	Number of times in the 'top ten' in the past six reporting periods
1	Robson Square	8	2
2	Richmond	9	3
3	Victoria	3	4
4	Kelowna	-	3
5	Port Coquitlam	4	5
6	Chilliwack	10	5
7	Penticton	6	4
8	Prince Rupert	-	2
9	Quesnel	-	1
10	Surrey	5	3



**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**



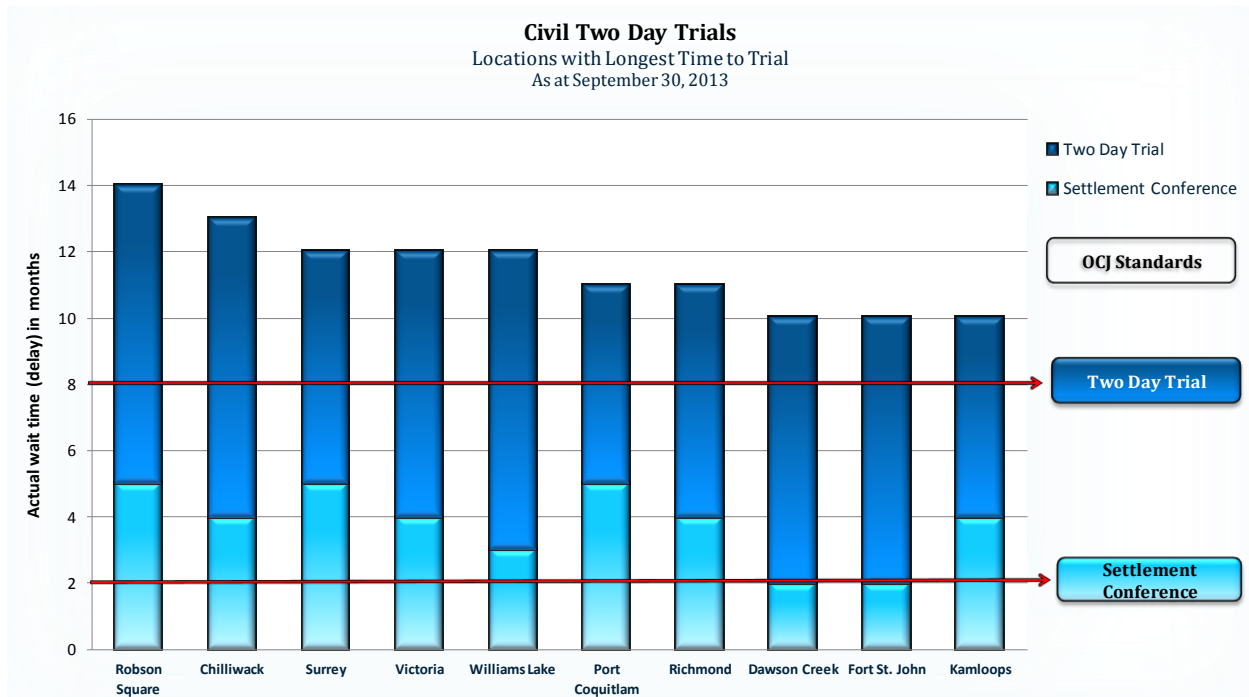
Data Source: Judicial (Quarterly) Next Available Date Surveys.

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

- 2004/05 new caseloads for the June, 2005 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
- 2013/13 new caseloads for September, 2013 delays

Figure 8.1 sets out wait times for locations with the longest time to trial 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 was new as of the last update.