Members of the B.C. Court of Appeal

Chief Justice
The Honourable Chief Justice McEachern
January 1, 1979 (Chief Justice of the Supreme Court)
September 7, 1988 (Chief Justice of British Columbia)

Justices of the Court of Appeal

The Honourable Mr. Justice Lambert*
July 14, 1978 (Court of Appeal)
June 30, 1995 (Supernumerary)

The Honourable Mr. Justice Esson*
February 20, 1979 (Supreme Court)
May 5, 1983 (Court of Appeal)
June 30, 1989 (Chief Justice of Supreme Court)
October 2, 1996 (Court of Appeal)
February 12, 2001 (Supernumerary)

The Honourable Madam Justice Southin
March 11, 1985 (Supreme Court)
September 8, 1988 (Court of Appeal)

The Honourable Mr. Justice Cumming*
April 10, 1985 (Supreme Court)
June 30, 1989 (Court of Appeal)
May 1, 1998 (Supernumerary)

The Honourable Madam Justice Proudfoot*
October 1971 (Provincial Court)
March 21, 1974 (County Court)
September 20, 1977 (Supreme Court)
October 4, 1989 (Court of Appeal)
March 13, 1993 (Supernumerary)

The Honourable Mr. Justice Hollinrake*
June 1, 1988 (Supreme Court)
February 16, 1990 (Court of Appeal)
September 1, 1999 (Supernumerary)

The Honourable Madam Justice Rowles
March 31, 1983 (County Court)
January 1, 1987 (Supreme Court)
October 11, 1991 (Court of Appeal)

The Honourable Madam Justice Prowse
January 1, 1987 (County Court)
September 8, 1988 (Supreme Court)
June 24, 1992 (Court of Appeal)

The Honourable Mr. Justice Finch
May 5, 1983 (Supreme Court)
May 28, 1993 (Court of Appeal)

The Honourable Madam Justice Ryan
May 26, 1987 (County Court)
July 1, 1990 (Supreme Court)
January 28, 1994 (Court of Appeal)

The Honourable Mr. Justice Donald
June 30, 1989 (Supreme Court)
January 28, 1994 (Court of Appeal)

The Honourable Madam Justice Newbury
July 9, 1991 (Supreme Court)
September 26, 1995 (Court of Appeal)

The Honourable Madam Justice Huddart
September 4, 1981 (County Court)
May 26, 1987 (Supreme Court)
March 19, 1996 (Court of Appeal)

The Honourable Mr. Justice Braidwood*
December 5, 1990 (Supreme Court)
December 19, 1996 (Court of Appeal)
December 29, 2000 (Supernumerary)

The Honourable Mr. Justice Hall
July 11, 1991 (Supreme Court)
December 19, 1996 (Court of Appeal)

The Honourable Mr. Justice Mackenzie
May 5, 1992 (Supreme Court)
June 23, 1998 (Court of Appeal)

The Honourable Madam Justice Saunders
December 23, 1991 (Supreme Court)
July 2, 1999 (Court of Appeal)

The Honourable Mr. Justice Low
March 31, 1977 (County Court)
July 1, 1990 (Supreme Court)
July 28, 2000 (Court of Appeal)

The Honourable Madam Justice Levine (2001)
Appointed to Supreme Court September 26, 1995
Appointed to the Court of Appeal February 6, 2001

***** supernumerary

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Carol Ensor	Assistant Administrator and Deputy Registrar
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Alix Going	Executive Secretary to the Chief Justice

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**Kamloops

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Tammy McCann	Secretary, Judicial Administration
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*Victoria

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Ms. M. Yuen

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Mr. E. Druecker

Ms. H. Cantafio

Mr. J. Dhillon

Report by the Honourable Chief Justice McEachern

THE COURT'S COMPLEMENT

Changes in the Court's Complement in 2000.

2000 was a busy year for the judges because of unusual delay in the appointment of a replacement judge. As has been stated before, the sitting schedule for the judges is established each summer for the following year and cases are set for hearing based on that schedule. When there is delay in an appointment, other judges have to volunteer to sit extra time that is usually allocated for judgment writing and preparation for hearings.

Mr. Justice Hollinrake elected to serve as a supernumerary judge on September 1, 1999 and in most circumstances, a replacement judge would have been expected to be appointed at or about that date. Instead, no replacement judge was appointed until July 2000 when Mr. Justice Low was appointed to the Court. As a result, it was necessary to seek volunteers to sit almost every week during the year.

There have been other changes in the complement of the Court. Mr. Justice Esson, at the request of the Lord Chancellor of England, was granted leave of absence to serve as an alternate Commissioner in what has been called the "Bloody Sunday Inquiry" in Northern Ireland. This Commission is examining the circumstances of a tragic incident twenty-eight years ago when a number of persons were killed by British soldiers, and many more were injured, in the course of a public demonstration. More about that in a moment. Mr. Justice Esson left us in late November 2000, and he has now elected to serve as a supernumerary judge, thus creating a vacancy on the Court for the appointment of a replacement judge. This replacement has not yet been appointed.

Third, Mr. Justice Braidwood elected to serve as a supernumerary judge effective December 31, 2000, and he was replaced by Madam Justice Risa Levine in February 2001.

I wish to say a word about each of these members of the Court. Mr. Justice Hollinrake, a native of Ontario, took his law at UBC and he was called to the Bar here in 1957. He practiced insurance and corporate law with the well-known firms of Guild Yule and later Bull Housser and Tupper with an intervening interlude as a law professor in New Zealand. He was appointed to our Supreme Court in 1988 and to the Court of Appeal in 1990. Mr. Justice Hollinrake has always been a fine judge and a good colleague. The Court is pleased that he will be continuing to serve as a supernumerary judge.

Mr. Justice Esson has had a wonderful legal and judicial career. A native of East Vancouver, Mr. Justice Esson took his law at the University of B.C and he was called to the Bar in 1958. He practiced as a commercial litigation lawyer with Bull Housser and Tupper until his first appointment to our Supreme Court of B.C. in 1979, and then to the Court of Appeal in 1983. He served there until 1989 when he returned to the Supreme Court as Chief Justice, replacing Chief Justice McLachlin, now Chief Justice of Canada. Chief Justice Esson ably supervised the merger of the Supreme and County Court trial Courts. After seven years as Chief, he returned to the Court of Appeal in 1996.

The circumstances of "Bloody Sunday" have been a continuing subject of controversy in Northern Ireland. In an effort to bring closure to this matter, Prime Minister Blair appointed an independent judicial Commission to investigate and report on the matter. A three-person Commission was appointed chaired by Lord Mark Saville, an English Law Lord. The other members of the Commission were a retired Justice of Appeal of New Zealand, and the former Chief Justice of New Brunswick. The Commission was faced with many pre-hearing difficulties which took nearly two years to complete. At that point, but before any evidence had been heard, the New Zealand member of the Commission found he was unable to carry on and he was replaced by a retired Judge of the High Court of Australia. At this point, with the Commission about to start hearing evidence, the Lord Chancellor decided to appoint an alternate member so it would not be necessary to hear all the evidence again if another member of the Commission should become unable to continue. The Lord Chancellor asked Chief Justice McLachlin to nominate a Canadian Chief Justice or former Chief Justice to assume this responsibility. She nominated Mr. Justice Esson and the Minister of Justice granted the necessary leave of absence. Mr. Justice Esson will continue to receive only his regular judicial salary which, together with his living expenses for himself and his wife, will be reimbursed to Canada by the Lord Chancellor.

This will not be an easy assignment for Mr. Justice Esson. The hearings will be held in Londonderry ("Derry" as it is called by the Roman Catholics in Northern Ireland). The Commission will sit long hours four days a week and return to London for three-day weekends. The Commission will sit about the same number of weeks that our trial courts sit, with occasional breaks, and the usual vacation time taken by most courts. Thus, Mr. Justice Esson will be "on circuit" for most of his time, and it is expected the hearing of the evidence will take two years or more to complete. As an alternative Commissioner, his responsibility is to "hearken to the evidence", as juries are expected to do, and be prepared to assume the role of a Commissioner if a vacancy arises.

Mr. Justice Esson has been an outstanding member of the judiciary of this province for the past 22 years, serving as a trial judge, appellate judge and Chief Justice.

Fortunately, he remains a supernumerary member of the Court and it is expected that he will return to judicial duties here when his tour of duty abroad is completed. We wish him and his wife Margaret well in this interesting new judicial endeavour.

Mr. Justice Braidwood is also a native of East Vancouver. He took his law at UBC, and he was called to the Bar in 1957. He articled and practiced with the late Angelo Branca, Q.C. (later Mr. Justice Branca), and Mr. Justice Braidwood took over Mr. Branca's practice when the latter was appointed to the judiciary. Mr. Justice Braidwood was one of the leaders of our criminal law bar until his appointment to our Supreme Court in 1990. He was appointed to the Court of Appeal in 1996 where he will continue to sit as a supernumerary judge. Mr. Justice Braidwood has been a most useful member of the Court and we are grateful that he will continue to contribute to the work of the Court.

Now, a brief word about our new members.

Mr. Justice Richard Low has been a judge longer than I have. He was raised in West Vancouver, took his law at UBC, and was called to the Bar in 1965. He chose to practice in Prince George and his first judicial appointment in 1977 was as the only judge of the County Court of Prince Rupert until 1980 when he was transferred to the County Court of Cariboo at Prince George. He remained there until he became a member of the Supreme Court upon the merger of the trial Courts in 1990. He was then transferred to Vancouver in the mid-90's and, as already mentioned, he has just recently been moved to the Court of Appeal. Mr. Justice Low brings the perspective of a "Northerner" to the Court and he is a most welcome addition to our judicial complement.

Madam Justice Risa Levine is a native of Saskatchewan and a member of a family of high achievers. Her father was a dentist, and one of her brothers is a surgeon. Another brother and a sister are both prominent lawyers at our Bar. Madam Justice Levine took her law at UBC where she was the Gold Medallist in her graduating class. She was called to the Bar in 1978, and she practiced tax and corporate law with the Thorsteinssons firm until her appointment to our Supreme Court as a trial judge in 1995. Her recent appointment to the Court of Appeal is a most welcome one with the following special significance.

From time to time in these Reports I have commented on the addition of women judges to our Court. The first woman appointed to our Court was Madam Justice McLachlin in 1985. She left the court to become Chief Justice of the Supreme Court in 1988, and at the same time, Madam Justice Southin was appointed to our Court. Since that time, there have been several other women appointments, but with fifteen regular members of the Court, Madam Justice Levine is our eighth woman member. This means that there is now a majority of full-time women judges on the Court of Appeal.

All members of the Court join me in welcoming Madam Justice Levine to the Court.

The complement of the Court at the present time, therefore, is 14 regular judges (with one vacancy) and 6 supernumerary judges (one of

whom, Esson J.A. is on leave) for a total of 20 judges which compares generally with the same number of regular judges and supernumerary judges we had in the mid-1990's. With our slightly declining caseload, it is not thought, subject to a matter I shall mention in a moment, that there is any need to seek the creation of additional positions on the Court to service the needs of our litigation constituency.

THE WORK OF THE COURT

Statistics

Civil and criminal law statistics for 2000 and comparable numbers for 1999 are attached to this Report. I shall mention a few significant matters.

First, the slow-down I mentioned last year has continued in civil and criminal law appeals with about 84 and 35 fewer filings respectively. Total filings are not a very significant statistic because filings do not measure levels of difficulty. However, total dispositions are also down by about 149 cases, mostly in civil appeals.

The reason for the litigation slow-down is not easily identified, but as I said last year, litigation follows the economy to a considerable extent. Our colleagues in the trial court advise that volumes of cases in that Court are rising and our caseload naturally follows that of the trial court. The recent experience in the trial court, however, also includes increased numbers of settlements shortly before trial. This reflects both the strong influence a pending trial date has on settlement, and the ability of lawyers to resolve disputes with the assistance of a pending trial date. It is not always recognized how effective lawyers are in arranging settlements, for which they are much to be congratulated.

The minor slow-down in litigation, however, has not left the Court idle. While the numbers of cases are down, levels of complexity continue to increase. Our statistics, of course, are unweighted and do not reflect the intangible factors that make some cases much more difficult and time consuming than others to hear and decide. All in all, there are still ample volumes of litigation to keep the judges busy.

Civil Law Statistics

As can be seen from the attached statistics, total filings and dispositions are down marginally from the previous year, but it must be remembered that a significant factor in dispositions is cases that have been abandoned, which does not impact on the work of the Court.

The number of cases where judgment was reserved is up, although the proportion of appeals reversed (42%) is down slightly. As will be noted, the number of appeals reversed is within, but at the upper end of, the range which has been established over the past five years. As has been stated before, the number of appeals shown as “allowed” may be an overstatement because any adjustment in a trial judgment, even on the question of costs, is recorded for statistical purposes as an

allowed appeal when, in fact, the trial judgment may have been substantially upheld.

As with last year, the decline in dispositions and abandoned appeals may reflect fewer "purges" of dormant appeals. Such purges have been a priority with the Court for the past several years. The effect of changes in the Rules made a number of years ago requiring the preparation of motion papers may have contributed to there being less activity in Chambers.

Dispositions as a percentage of filings are a significant statistic because anything around 100% means that the Court did not accumulate a potential backlog that could become a problem in the future. 96% shown for 2000 is within the preferred range.

Our Court reserved judgment on 58% of appeals heard in 2000. This is higher than the 50% reserved last year. No particular reason for this has been identified. I expect it is just a function of case complexity and judicial anxiety to make sure we 'get it right'. Our reserved percentage has traditionally been substantially higher than the experience in most other provincial Courts of Appeal. As I have said, I think this is because we tend to have very difficult cases.

The Court now has the capacity to report on the breakdown of its civil caseload. The breakdown into categories is self-explanatory.

Criminal Law Statistics

As can be seen, there is a 7% decrease in criminal law filings and a more significant decrease in dispositions. The decrease in the number of sentence appeals heard as compared to 1999 is 28% while there is no decrease in the number of conviction appeals heard. I think this is because the Bar has come to appreciate that, generally speaking, we do not lightly interfere with sentences pronounced by the trial judges unless the sentence is found to be clearly unfit.

As with civil law cases, the total number of criminal law filings continues to fall within quite a narrow range, but the number of criminal law appeals allowed has dropped significantly since last year. The “allowed-dismissed” statistics is a blend of conviction and sentence appeals and this difference could reflect the result of just a few sentence appeals and may not indicate any change in the real work of the Court.

Civil and Criminal Law Chambers

Civil Chambers work has slightly decreased. Applications for leave to appeal have increased over 1999.

Criminal Law Chambers work has decreased by almost 30% during the past year. Criminal Law Chambers Motions are largely applications by the Registrar to hurry dormant cases along, for bail and for the appointment of counsel where legal aid has been refused.

Detailed statistics categorizing this kind of work are not available.

SITTINGS

In 2000, Division I sat for 42 weeks, including two weeks during the summer break; Division II sat 32 weeks; Division III sat 5 weeks; the Court sat 10 weeks in Victoria, 1 week in the Interior, and 1 week in the Yukon, for a total of 91 sitting weeks (8 fewer than 1999). The fewer divisions in 2000, compared with earlier years, largely reflects the change in the sitting rotation adopted in 1999.

It has been noted that substantially fewer cases are being set for hearing in the up-country locations, and some of these sittings have been cancelled or reduced from a week to two or three days. This is partly because most out-of Vancouver lawyers have other business to do here in the city and it is evidently more convenient for them to have their cases heard here so that they can do their other business here at the same time. The Court will, however, continue to make itself available in the major communities as may be required. Consideration is being given to hearing some Chambers matters in Vancouver by video-conferencing facilities which are becoming available at various locations around the Province. This would save travel expense for judges, lawyers and parties.

Perhaps it will be useful to mention again the changing nature of the Court's work. As I prepare for retirement, I have thought about the variety of cases I have dealt with as a judge. They include subjects such as compulsory addiction treatment, aboriginal matters, voting rights, abortion, prostitution, euthanasia, early retirement, environmental matters, child pornography, capital punishment and many others that are additional to the more common diet of cases that judges deal with on a regular basis. Notwithstanding this, the heavy work of the Court is still related to traditional contract, tort, family and criminal law cases with the latter being liberally sprinkled with Charter arguments that enormously complicate the conduct of those proceedings.

Thus, as the volume of cases is slowly reducing because of very successful efforts of the Bar to develop new procedures for the settlement of disputes, the difficulty of judicial work seems to increase because of the nature of the cases it now has to consider.

In a disturbing conversation I had with several of our judges recently, I asked how much time they devote to non-case load reading. I was not surprised, because my own experience is the same, that few of us have much time, except occasionally during vacations, for such reading. This is because

it is very difficult to enjoy casual reading when there are judgments waiting to be written, and pending appeals to be considered. It is a judicial reality that practically all our non-sitting time must be devoted to preparing for pending cases, writing judgments on cases already heard, and trying to keep up to date on developments in the law. In this latter respect, the Supreme Court of Canada delivers over one hundred decisions a year, many of them are very long, highly subtle and very detailed. Our own Court wrote about 200 reserved decisions a year and we try to read them all. Our trial court delivers about 1200 written decisions each year and we try to read those with significant legal content. In addition to this, there is a wealth of learning in the decisions of the other provinces, from England, Australia and the United States, and the legal academic community is producing prodigious volumes of analysis and learning that we try to absorb.

The lack of adequate time for other useful reading is becoming a serious problem for the judiciary, but I doubt if it is one that can be resolved. This reflects the changing direction of society found in most professions and occupations where more demanding work-pressure and the need for speedy decisions are part of the increased complexity of life.

We see this trend perhaps even more clearly in our trial court. Until about 20 years ago, trial judges heard Chamber applications and trials and wrote judgments. Then, in the early 80's, Rule 18A was enacted to permit some trials to be heard on affidavits. In this way, without the need to hear oral testimony, trials that might have taken several days or more were reduced to a day, or perhaps half a day. But the judge did not have the leisure of hearing the case develop through the orderly presentation of the witnesses. Instead, the judge is handed a bundle of affidavits, and counsel make their arguments, and then the judge has to decide. Half of all trials in the Supreme Court are now heard that way, and the practical result is less expensive litigation for the parties, but judicial production and pressure go way up, and the judge's life is made much more difficult. There also seems to be a tendency not to appeal Summary Judgment decisions as frequently as decisions reached at conventional trials. This may account in part for the lessened number of civil appeals our Court has been hearing.

As society continues to develop in its present direction, judges should have more, not less, time for wider, enriching study and experience, but I see no likelihood that this can be accomplished. The pressure on judges will become increasingly intense. Thus, while it may not be necessary to appoint more judges in order to service the case load to the present standard, the nature of the work will undoubtedly justify the appointment of several additional judges for all courts in future years.

COURT OPERATIONS

There have been no major changes in the way the court operated in 2000 except to continue the course adopted earlier in limiting oral argument fairly strictly on various kinds of chambers applications. Generally speaking, this has been a successful change as most counsel are able to present their arguments within the time fixed by the court. With respect to appeals, counsel estimate the time they expect they

they will require for the presentation of their submissions when they set the appeal for hearing. With the experience of so many cases previously heard in the court, our staff have a very good idea how much time most appeals will require. They review the appeal papers and estimate how much time the appeal will really require. Close calls are referred to a judge of the Court. Counsel are then advised how much time will be reserved for their case, and we have found that in almost all cases, the appeals are able to be argued properly within the time allowed. Counsel who are dissatisfied with the time allotted for their appeals are invited to comment and such comments are referred to a judge for further consideration. There have been very few objections to the time allowed for appeals. This program, which has been in effect since 1998, has increased the pressure of work on both counsel and the judges, but we are able to hear more cases per day and per week under this regime than was the case when unlimited time was allowed for argument. For example, at the time of writing this Report in early March, I had already sat on 50 appeals in 2001.

It should not be thought that counsel are not given adequate time for their appeals. Many American courts permit no oral argument, or only 15 or 20 minutes for each side. The Supreme Court of Canada usually allows only a half-day for most cases. Our procedure is still relatively leisurely compared with many jurisdictions.

Computers continue to play an increasingly important role in the operation of the Court. In 1996, our federally appointed Courts were the first in Canada, apart from the Supreme Court of Canada, to publish all their decisions on the Internet. In mid-2001, our British Columbia Superior Courts' case database will be accessed for the millionth time. Considering that many of these "hits" are for multiple-case research, it seems likely that the number of cases actually looked at probably exceeds the million recorded hits already. Last year we added a judge-prepared "Summary" for every case, thus making it unnecessary for a researcher to actually open up the case to see whether he or she wishes to read it. This enhancement has been very well received.

We regard our database project as a minor miracle because it represents so many opportunities for quick access to our decisions with time savings that must be enormous. Our Information and Technical Services staff, led by Alexander Ivanoff, is much to be congratulated for the wonderfully competent work they have done in initiating and maintaining this important service. Anyone wishing to visit the databases may do so through the Court's Home Page at:

www.courts.gov.bc.ca

and by hitting either the "Supreme Court" or "Court of Appeal" buttons. As will be seen, links to other databases are provided. A search engine is provided.

In 1999 a group of our judges composed a Legal Compendium which attempts to explain the judiciary and the law in plain English language. This was first published on the Internet in mid-1999, and it has been accessed 26,255 times. This represents an

opportunity for at least that many citizens to gain a better understanding of our institution. We receive many compliments about our Legal Compendium. Anyone wishing to visit the Compendium may do so through the Court's above Home Page and by hitting the "Legal Compendium" button.

One of the problems of a Compendium, of course, is to keep it current. Almost every significant decision of any Court changes the law. I wish to congratulate and thank my Law Officer Meg Gaily, for the able way she keeps track of changing the jurisprudence, and assists us to edit our Compendium appropriately.

In late 1999, I initiated a "Chief's Home Page" on the Internet where I make comments on current developments in the law or the Court's work. I have invited citizens to inquire about matters in which they have an interest. I have tried to make it clear that I cannot give legal advice, I cannot comment on controversial matters, and I cannot say anything about current litigation. Notwithstanding this, I receive quite a volume of inquiries requesting advice about fact-specific matters that I must decline to answer for fear of giving advice to one side of a dispute. Each inquiry, however, receives an automatic acknowledgment.

Apart from that, however, I receive a large number of very good and intelligent questions about the operation of the courts or the law that permit me to respond briefly with an explanation that hopefully satisfies the inquiry. Typical questions include why some cases are tried by juries and some by judges; what is the role of deterrence in sentencing; why do women seem to win more family law cases than men; and many others.

There was concern when this Home Page was initiated that the Court might be embarrassed by questions we cannot answer without becoming controversial. I have not found that to be the case. I believe the hundreds of messages I have received indicate a real need for better communication between the Court and the public about our institution that can conveniently be serviced through the Internet. What we provide is information and education.

Through the magic of the Internet, the inquiry comes directly to my Home Page and the sender receives an immediate, automatic response advising that the message has been received, that it is being referred to me and that an answer will be published on the "Response" part of the Home Page if the answer will be of general public interest. In this way, instead of just responding to the inquiring person, the answer is distributed to whoever chooses to look at our responses. The person sending the message, however, is not identified. If the question is one that can be answered, but the answer is not likely to be of public interest, I reply directly to the sender. If the question is one that cannot be answered for any reason, or it is not about a matter of general interest, I also reply directly to the sender, often recommending that legal advice be obtained through the private Bar or through the Lawyer Referral Service operated by the Canadian Bar Association.

Because of some recent national media publicity about my Home Page, I have recently been receiving inquiries from other provinces. This, and the volume of inquiries I receive, lead me to believe that there is indeed a great need for greater access to information about legal and judicial matters, and I hope that the Home Page in some small way contributes to enhanced understanding.

Anyone wishing to visit the Home Page may do so through the Court's above Home Page and by hitting the "Other Links" button, and then the desired buttons for discrete parts of the Home Page, such as "Comments" or "Responses".

Possibly rivalling the importance of the databases is the advent of electronic filing which is rapidly being developed. The concept is that through the medium of the Internet, it should be possible to transmit written material, such as pleadings in trial matters, and the required material in appeal matters, and much other material, to and from the court electronically. To do this, it is necessary to have a case tracking system in place in order properly to route this material to or from the right electronic file. Thus, when a lawyer participating in the program wishes to file a document, it may be sent (or received) directly to or from the lawyer's office electronically. This could represent significant savings and lead eventually to much greater use of electronic material on trials and appeals.

More significantly, however, the initiation of such a system could be used for public access to the court's files which would be a substantial contribution to the openness of our system. On the other hand, we have a great deal of highly confidential information in our court files, and we are struggling with an enormous conflict between openness on one hand and privacy on the other. For example, the Court files contain much personal information not just about litigants, but also about many others such as witnesses who may not be as willing to co-operate with the administration of justice if it means that personal information about them and their experiences become available on the Internet. In our files, for example, we have medical and psychiatric reports, financial statements, pre-sentence and probation reports, proven and unproven allegations of all kinds, and a myriad of other material that litigants may well think should be confidential.

In some limited jurisprudence, the Supreme Court of Canada has suggested, in the context of a Search Warrant Authorization, that the public have a right to see the material on which the Authorization was granted as soon as the Warrant is executed. There may well be a different principle of disclosure in criminal and civil matters.

At the moment at least, electronic access, when it becomes available, will be limited to paying users of the system, mainly law firms, but information is a highly useful commercial commodity and wide exposure of all this information will soon become technically feasible.

For these reasons, the Courts are proceeding cautiously with several joint-Court committees attempting to anticipate the difficulties this project presents. The judiciary will be consulting with all interested parties, including the Bar and government, before deciding on any policy relating to Internet access to court files. The answer may be to limit access to formal court documents such as pleadings, but even these documents contain much personal information. For example, I have often seen allegations in car accident pleadings that the defendant was impaired when there was absolutely no attempt adduced at trial to prove such allegations. This sort of thing could be unfairly harmful to litigants and others and may require substantial amendments to the Rules of Court.

This will be an ongoing subject of study and consideration in the future.

THE STATE OF THE COURT

As I prepare for retirement in May of this year, I am probably not the best person to pronounce on the state of the Court, but I will do so anyway, from a personal perspective. Having served as Chief Justice of our Supreme Court from 1979 to 1989, and as Chief Justice of the Court of Appeal since 1989, I have participated on a daily basis with the judges and staff of the Courts, and I have seen great changes. The most remarkable changes, not necessarily in order of importance, have included the addition of women judges to the Courts, the Canadian Charter of Rights and Freedoms, the computer, the continuing judicialization of society, and changing public attitudes about the Court's role in society.

Nothing more beyond what I have already said about women judges. They have been a civilizing influence to the Courts and their presence makes the Courts much closer to the profile of the public we serve. All gender problems have not been solved — far from it — but this change has been positive, progressive and continuing.

The Canadian Charter of Rights and Freedoms has changed the face of the law forever. No longer are Parliament and the Legislatures supreme. Their enactments must now pass constitutional muster. Many of our citizens do not accept this change, but it is a fact. Judges must now decide the important question of whether legislative enactments are consistent or inconsistent with the provisions of the Constitution. This is not an easy task, and one fraught with difficulty for the judiciary as we are often seen as intruders, presuming to second-guess our elected representatives. Those who question the legitimacy of this process should consider carefully the clear mandate of sections 52(1) and 24(1) of the Constitution, which provide:

> 52.(1) The Constitution of Canada is the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of such inconsistency, of no force or effect.

> 24.(1) Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.

The mandate of the judiciary could not be clearer. Many believe the Charter has made Canada a much more equal and better place to live with the state having less control over the lives of those who live here. Arbitrary rules of conduct relating to such matters as conscience, religion, thought, belief, opinion, expression, assembly and association can no longer be imposed upon us unless they are demonstrably justified in a free and democratic society. We now have guaranteed democratic rights, a right of fundamental justice, freedom of mobility, legal, equality and other rights. We assumed we had many of these rights before, but they were not guaranteed, and could conceivably have been abrogated by the legislative branch of government.

In addition, we now have constitutionally guaranteed rights respecting the operation of the criminal law. This is a mixed blessing. It is good that both the police, the prosecutor and the suspect know precisely what the rules of investigation and trial are, but it cannot be denied that the operation of the Charter in the criminal law sphere has added enormously to the cost and time taken for criminal law proceedings, and process has often subsumed the merits of these kinds of cases. I believe these problems can be resolved intelligently, over time, and that both now in many of its aspects, and ultimately in all its aspects, it will be seen that the Charter has been a very positive force in the development of the law.

I have already spoken comprehensively about the introduction of the computer into judicial life. I suspect nothing further needs to be said except that the computer in the future will be even more influential than it has been in the past. If there is one area that I particularly regret, it is my failure to complete the computerization of the court's processes. We have made progress, but there is much that remains to be done.

The judicialization of society began before the beginning of my judicial career. Courts have stood between the public and the state for hundreds of years. The process has been greatly hastened by the understandable need of the state to regulate growing populations for the greater good, and the courts have often interfered in this process wherever legal unfairness was identified. Until the Charter was enacted, legal unfairness was considerably more restricted than it is now because the pre-Charter theory was that the legislative bodies were supreme in their respective areas of operations. Our courts must not be too timid, nor too aggressive, in limiting the power of the state to organize and manage society upon equal and democratic grounds. It will be the continuing role of the courts to make sure that the process remains balanced, fair and reasonable. But it cannot be disputed that it falls more and more to the courts to set the limits on what the state can and cannot do for, or to, those who live here.

I am enormously proud of the fine women and men who serve in our Courts, and of the staff that supports them. I think our public instinctively knows, and feels secure, that our judges will never permit the rights and freedoms of our citizens or the rule of law to be compromised or sacrificed to the well meaning but sometimes overzealous ambitions of the regulating state.

In my time on the courts there has been an easily recognizable sea change in the attitude of some members of the public towards the Courts. While I do not believe the average citizen is troubled, some segments of society, and particularly some media outlets, tend to misrepresent the meaning and consequences of some of our decisions. We start with a disadvantage because many of our citizens have a serious misunderstanding about our process. They tend to think of a judge as a wise, old person who decides cases wisely and fairly, usually from the bench in just a few sentences. The reality is that the law is so complicated, and the judges are so constrained by evidence, precedent, and the law that they can only make narrow choices between closely competing positions. Many say judges should be more accountable, but I say that few in society are more accountable than judges. We are bound by the evidence we hear in court, not general information or hearsay that may or may not be correct; we have to decide cases in conformity with established law and precedent; we do all this in public; we give carefully prepared reasons for our decisions; and we are subject to critical scrutiny by the media, the academic community, the public, and the courts of appeal. Parliament can overrule the law created by our decisions.

Judges do not have the right to do whatever they want, and the belief that they do, often leads critics, sometimes angrily and loudly, to suggest that our decisions are based on personal beliefs, or arbitrariness. As I have said above, we and our critics are often acting on completely different databases: we try to reach rational conclusions based on evidence and law, they usually express personal views.

In my time on the Court, I have seen a wave of largely unfair criticism heaped on the Courts generally, and upon some of my colleagues individually. In my view, most of such criticism was unfounded and unfair. But I sense that this wave of angry criticism is running out of steam. Several polls I have seen suggest that the majority of the public do not share the views of our harshest critics, and that, generally speaking, the Courts are widely recognized as stable forces in society that are struggling in difficult circumstances to maintain both a peaceful and civil society. I have great confidence that our present judiciary, and those who will join it in the future, will continue to serve the public well.

As I have reported every year, our judges have once again remained incredibly healthy this past year and hardly any judicial time was lost through illness. Some say judges and lawyers last longer than some other professions, and that seems to be true in our court.

OUR THANKS

I wish to take this opportunity to express my thanks and complete confidence in our court staff. They serve us loyally and well.

We also wish particularly to mention our Registrar Jennifer Jordan, our Deputy Registrar Cecilia Low, our Administrator, Delia Moran, my Law Officer Meg Gaily and all the other members of our staff who organize the court's work, and keep track of things for us. These are talented dedicated people whose efforts are much appreciated. Perhaps I may be permitted also to thank my loyal secretaries Mrs. Barbara Taylor and Ms. Alix Going. I wish to especially thank Mrs. Taylor, who has been my secretary and helper for 40 years.

As this will be my last Annual Report, I wish to close by saying that it has been a great honour to have been the Chief Justice of both of the superior courts of the province. When I came here, I hoped that the courts would be as useful when I left as they have always been. I am satisfied that that expectation on my part has been satisfied and that, as I once said in a somewhat unusual judgment, "The Rule of Law is alive and well in British Columbia".

Court of Appeal Rules Committee

Members:
The Honourable Madam Justice Newbury (chair)
The Honourable Mr. Justice Cumming
The Honourable Madam Justice Prowse
The Honourable Mr. Justice Hall
The Honourable Mr. Justice Mackenzie

Meetings

The Court of Appeal Rules Committee meets regularly throughout the year to discuss proposals by the judges of the Court, the Registrar and lawyers for amendments to the Court of Appeal Act and Rules. The Committee reports to the full Court on recommendations for amendments. We consult with members of the bar when there is a proposal that significantly changes the practice and procedure of the Court.

The Court of Appeal, through its inherent power to regulate and control its process, issues Practice Directives when required. The Practice Directives provide guidance in the conduct of an appeal.

The Rules Committee addressed the following issues during 2000.

Amendments to the Court of Appeal Act

The Committee commenced work on an amendment to Rule 7 of the ***Court of Appeal Act*** to provide a further definition of an interlocutory order. The proposed section reads (underlined):

> 7(1) In this section, "interlocutory order" includes
> (a) an interim order made under the Family Relations Act
> (b) an order made under the Supreme Court Rules on a matter of practice or procedure, <u>and</u>
> (c) <u>an order made under the Supreme Court Rules which finally determines an issue between the parties, but does not finally dispose of the rights of the parties</u>.

This amendment was discussed at a meeting of the Court in the fall of 2000 and further research is underway regarding other issues related to the proposed amendment. The Committee continues to consider the matter and will be consulting further with the bar concerning the related issues.

Amendments to the Court of Appeal Rules

We continued the process of completely revising the Court of Appeal Rules that we began in 1999. The Committee circulated draft copies of the rules to members of the profession for comments, which were received in September, 2000. At the end of the year we forwarded draft copies of

the Rules and the Forms to Legislative Counsel for revision. We anticipate that these Rules will be amended in 2001.

Other work of the Committee in 2000

1. The Committee circulated a Notice to the Profession setting out a procedure for expediting interlocutory appeals. The procedure applies to interlocutory appeals where leave is required. The procedure adopted by the Court is to have the judge, when granting leave to appeal, set time limits for the filing of material with the court and to set a hearing date, where possible.

2. We approved a revised Practice Directive relating to the citation of authorities. The new directive sets out how to use a neutral citation for unreported judgments and to use the neutral citation as a parallel citation. In addition, the Court now permits counsel to cite the Canadian Criminal Cases (C.C.C.'s) as well as the Supreme Court Reports.

3. As a part of the revision of the draft rules, we undertook an extensive review of the Amended Practice Direction for the Court of Appeal, Civil Division (England). The review was aimed at identifying parts of the procedure which might work well in British Columbia.

4. The Committee was asked to review and comment on the Recording, Reporting and Transcription of Court Proceedings Regulation. There is a small part of the regulation that deals with Court of Appeal matters.

5. Mr. Justice Mackenzie was appointed to the joint court committee reviewing draft rules for electronic filing of court documents.

6. The Committee looked at the format of the factums, specifically the font size and spacing. The Committee decided to allow line spacing at 1 1/2 spaces and not to regulate the type of font to be used. Some of the factums are extremely hard to read, even when the font size is 12. However, it was decided not to deal with type of font.

7. We will be looking further at the Criminal Appeal Rules, specifically at bail procedure policy.

8. The Committee will also look at the possibility of re-opening criminal appeals, where judgment entered, if interests of justice require.

Planning Committee

Members:

The Honourable Madam Justice Prowse, Chair
The Honourable Mr. Justice Esson
The Honourable Mr. Justice Donald
The Honourable Madam Justice Newbury
The Honourable Mr. Justice Mackenzie
Ms. Jennifer Jordan, Registrar

The year 2000 was a relatively quiet year for the Planning Committee with no major projects being undertaken. The main topics dealt with by the committee were an evaluation of the sentencing practice directive and further efforts to monitor and expedite family law appeals.

Sentencing Directive

The committee sent a letter to all criminal justice sections of the Canadian Bar Association, to the federal and provincial Crown, and to others who had participated in the initiative leading to the Criminal Sentencing Practice Directive, asking for their comments or criticisms of the Directive. Very few responses were received and those that were received were generally positive. The committee also canvassed members of the Court for their views and, again, responses were generally positive. As a result, the Court voted at its meeting in November, 2000 to continue the Practice Directive.

Family Law

The committee continued to monitor family law cases. The Family Law Practice Directive requiring the Registry to monitor all family law cases led to some problems in the Registry as in-person litigants, in particular, contacted the Registry with their explanations for not adhering to the time limits set out in the *Court of Appeal Act* and Rules. As a result, the committee agreed to focus their energies on those family law appeals involving custody and access. Madam Justice Huddart and Madam Justice Saunders agreed to assist Madam Justice Prowse in reviewing all of these files to ensure that they keep moving as smoothly as possible through the system. Ms. Meg Gaily agreed to assist the committee by bringing these files to the attention of the three monitoring judges. It was anticipated that pre-hearing conferences would be used as a tool for assisting the parties in getting their appeals on for hearing. This approach was

was approved by the Court at its meeting in November. The committee will continue to monitor and report its progress in this area.

Appeal Delays

The committee also reviewed the statistics provided by Ms. Jennifer Jordan concerning delays in the appeal process. Although progress has been made in some areas, it is apparent that reasons for delay will require ongoing monitoring. It became apparent that one area of noticeable delay was in personal injury appeals. Because I.C.B.C. is involved in many of these appeals, the committee decided to bring these statistics to I.C.B.C.'s attention. Although I.C.B.C. was not able to identify any particular source of delay, they agreed to co-operate in attempting to ensure that appeals taken on their behalf would be dealt with in a timely manner. The committee agreed to continue to monitor this area.

Hearing Time Reductions

The committee has been following the reduction of time estimates for appeals. The Registry is continuing to monitor the length of these hearings. Appeals are now regularly being set for one-half a day, even where counsel have requested a full day. Reductions in the hearing time have been successful in increasing the efficiency of the Court.

The committee also organized the Court meeting in November.

The members of the committee would like to recognize the invaluable assistance provided to the committee by Ms. Jordan, with significant input also provided by Ms. Cecilia Low and Ms. Gaily.

Law Clerk Committee

Members:

The Honourable Mr. Justice Finch (Chair)
The Honourable Madam Justice Newbury
The Honourable Mr. Justice Mackenzie

The law clerks' terms at the Court of Appeal commence in September of each year and finish at the end of June (for those serving a ten-month term) or the end of August (for those serving a twelve-month term). In September 2000, eleven clerks began their clerkships with the Court of Appeal for the 2000-2001 term.

The regular recruitment of law clerks for both the Court of Appeal and Supreme Court took place in February and March 2000. As in previous years, a notice describing the British Columbia Law Clerk Program was distributed to all common law faculties across Canada. The Law Officers to the Court of Appeal and the Supreme Court, accompanied by current law clerks, conducted information sessions at the law schools at the University of British Columbia and the University of Victoria in February 2000.

In March 2000, Meg Gaily, Law Officer to the Court of Appeal, and Kathryn Sainty, Law Officer to the Supreme Court, received eighty applications for the 28 law clerk positions at the Court of Appeal and Supreme Court. This was a significant decrease from the previous year when over 100 applications were received. After reviewing the applications, the Law Officers interviewed most of these candidates during May 2000. Of these candidates, the Court of Appeal Law Clerk Committee interviewed 20 and selected eleven candidates for the law clerk positions for the 2001-2002 term.

Of the eleven law clerks who will commence their terms with the Court of Appeal in September 2001, six are graduates of the University of British Columbia law school, three are graduates of the University of Victoria law school, one is a graduate of the University of Toronto law school, and one received a law degree from Cambridge (qualifying at the University of Toronto).

The Committee members wish to thank Ms. Gaily and Ms. Sainty for their assistance during the year.

Public Relations Committee

The Court of Appeal's Public Relations Committee was formed in 1999 for the specific purpose of organizing an event to mark the 300th anniversary of the ***Act of Settlement, 1701***, generally regarded as the foundation of judicial independence as understood in the common law world.

The result will be a conference to be held over a three-day period in May, 2001 to celebrate 300 years of judicial independence. The program will include presentations by distinguished academics from the United Kingdom, United States, Israel and Canada, and senior judges from almost all of the common law countries. The Conference has been approved as an educational program by the Canadian Judicial Council, and judges from all parts of Canada are expected to attend

With a view to publicizing the importance of judicial independence under the rule of law, the Conference will be open to the media. There will be a public forum at which interested members of the Bar and the public will be able to question senior judges about their views on judicial independence. There will also be an address by a distinguished British jurist open to all.

Members of the Public Relations Committee are:

Chief Justice McEachern
Chief Justice Brenner
Mr. Justice Finch
Madam Justice Huddart
Madam Justice Newbury
Mr. Justice Braidwood
Mr. Justice Mackenzie
Mr. Justice Williamson
Madam Justice Bennett
Her Honourable Judge Elizabeth Arnold
Karl Warner, Q.C.
Margaret Ostrowski, Q.C.

The Conference Organizer is Nora Newlands.

Pro Bono Committee

Members:

Robert W. McDiarmid, QC (Co-chair)
Carman J. Overholt (Co-chair)
Mr. Justice I. Donald
Mr. Justice B. Ralph
Judge William J. Kitchen
Jim Matkin
Frank Kraemer
John Simpson
Caroline Nevin
Peter Keighley, Q.C.
Anita Olsen
Charlotte Ensminger
Professor Sandra McCallum
Professor Wes Pue
Kelly Doyle
Dugald Christie
Brad Daisley

The Pro Bono Committee exists to promote pro bono work and to coordinate the provision of legal services on that basis. Formed in 1999, the committee operates under the joint auspices of the Law Society and the B.C. Branch of the Canadian Bar Association and includes representatives from those organizations as well as from all three courts, the two law schools, and some community based organizations such as the Salvation Army.

Funding has been approved by the Law Foundation to develop and post a web site based on a New York model. The web site will be used to coordinate pro bono services amongst lawyers, agencies and clients and to provide an information base on law and practice in areas of greatest concern to pro bono clients.

The other major work in progress is a Forum, also funded by the Law Foundation, to be held over two days at the Wosk Centre in Vancouver probably in October 2001. The Forum will bring together a broad range of persons interested in the subject of pro bono services. It is hoped that the discussions at the Forum will enlarge the Committee's understanding of the community's needs and the appropriate ways of meeting those needs.

Library Committee

Members:

The Honourable Madam Newbury (Chair)
The Honourable Mr. Justice Hood
The Honourable Madam Justice Humphries
The Honourable Madam Justice D. Smith
Ms. Delia Moran
Ms. Anne Rector

In 2000, a new Library Committee was appointed. We are indebted to our retiring members, Mr. Justice Henderson, Mr. Justice Lowry and Mr. Justice Rowan for their assistance over the past few years.

As in former years, our meetings were held few and far between with emphasis being on the approval of new acquisitions.

The appearance of the Vancouver Judges' Library has been enhanced by the old furniture acquired last year and by a railing from the Chief Justice's courtroom in the old courthouse which was discovered in storage. It has been refurbished and installed at the entranceway to the Library. We believe these improvements add a great deal to the Library's ambience.

The Library was fortunate to start receiving all C.L.E. course materials on an ongoing basis. As in former years, the cost of subscriptions to law reports and loose-leaf services continued to rise, using up a good portion of the budget. The rest was, as usual, spent on new acquisitions, binding etc. We discussed the possibility of cancelling the annotating of the law reports in the libraries in Vancouver and Victoria, but it was agreed that this service was very useful and should be continued.

Electronic Filing Rules Sub-Committee

Members:

The Honourable Mr. Justice Macaulay (chair)
The Honourable Mr. Justice Mackenzie
The Honourable Madam Justice Boyd
The Honourable Madam Justice Dillon
The Honourable Master Joyce
Nathan H. Smith, Q.C.
Jennifer Jordan, C.A. Registrar
Katherine Wellburn, S.C. Registrar
Kathryn Sainty, S.C. Law Officer

The Electronic Filing Rules Sub-Committee is a sub-committee of the Supreme Court Rules Committee created to address changes in the rule required to permit the electronic filing of documents. The amendments required to the Supreme Court Rules are likely to be more extensive than those required to the Court of Appeal Rules. I have been co-opted to the Supreme Court committee along with Jennifer Jordan, to act as liaison with the Court of Appeal. Any amendments to the Court of Appeal rules will of course be channelled through the Court of Appeal Rules Committee.

Electronic filing is one aspect of a larger venture, dubbed the *Electronic Justice Services Project*, which Victoria is undertaking at a tentative cost of $7 to $8 million. In addition to electronic filing the project is intended to cover new primarily civil systems for case management, scheduling, and case tracking in the Provincial Court, Supreme Court and the Court of Appeal. PricewaterhouseCoopers has been retained to quarterback the project and the judiciary has engaged Alix Campbell as project director to represent the judiciary's interests. The project overall has some teething problems and the timeline for implementation is uncertain. The project has a number of serious and potentially controversial policy issues including the tension between electronic access to court files and privacy concerns. Policy issues generally will be referred to the court's Planning Committee which will be maintaining a liaison with Victoria through the Chief Justice.

Statistics

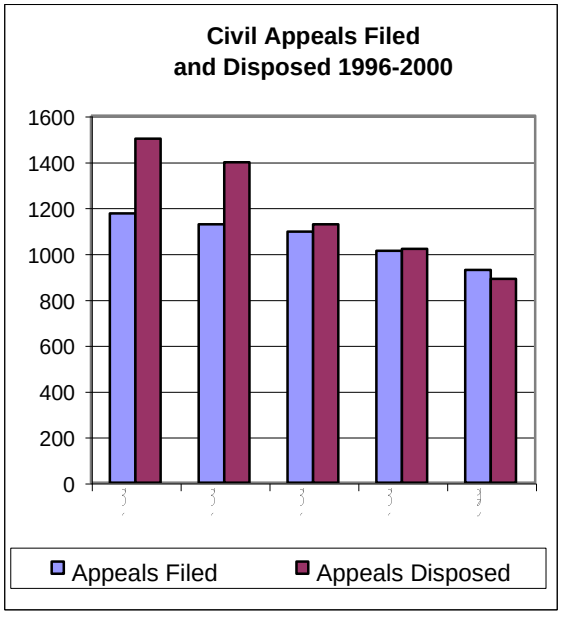
Volume of Litigation*

The charts on this page show the volume of litigation and compares the number of appeals filed, both civil and criminal, and the number of appeals disposed for the years 1996-2000.

Civil

Figure 1 demonstrates the decline in the number of civil appeals filed over the last five years. This figure also shows that 2000 was the first time in the last five years where the number of filings exceeded the number of dispositions. As Appendix 1 indicates, dispositions were 95% of the filings for civil appeals.

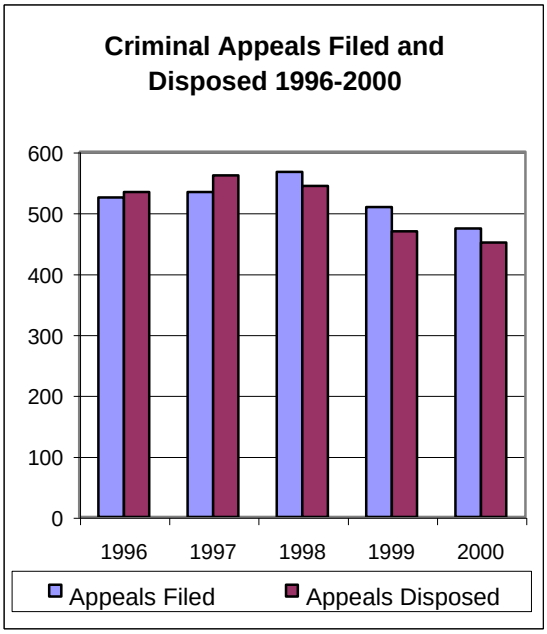
Figure 1



Criminal

Criminal filings remain at about half the number of civil filings. Figure 2 shows that the number of criminal appeals filed continues to exceed the number of appeals disposed, resulting in a slowly increasing backlog of criminal appeals. The decline in the dispositions over the last five years is due mainly to the decreased number of appellate justices available to hear appeals. The decline in the filings is more indicative of the number of trials being heard in the Supreme Court.

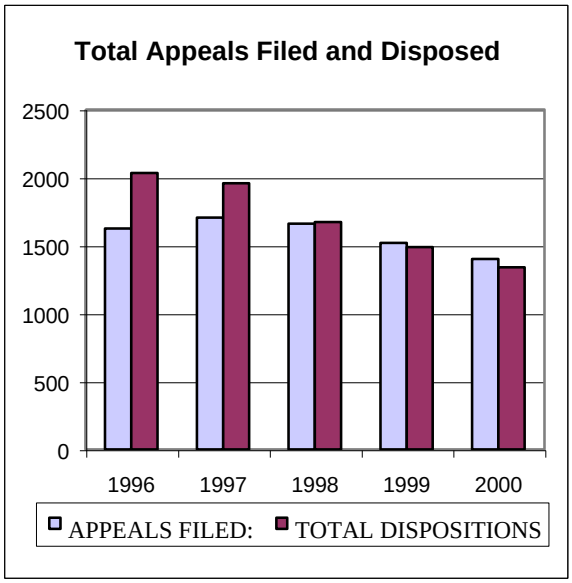
Figure 2



For a more complete picture of total court activity, Figure 3 combines the civil and criminal filings and dispositions. As is evident, there has been a marked decrease, since 1998, of both filings and dispositions in the Court of Appeal.

*Please refer to the appendices for the actual numbers in these charts.

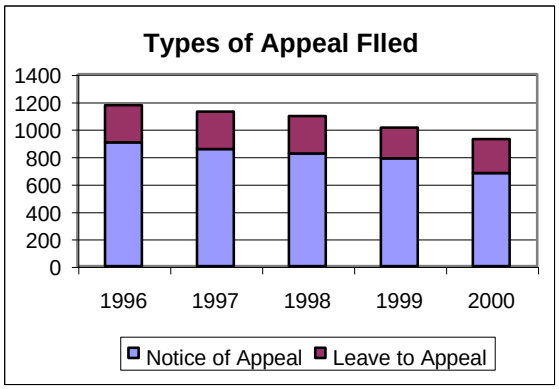
Figure 3



Types of Appeals Filed

About 27% of the civil appeals filed in 2000 were applications for leave to appeal. These appeals require the permission of a justice before they can be heard by a panel of three judges. In 2000, about 68% of the applications for leave to appeal were granted. Figure 4 shows the comparison of applications for leave to appeal with appeals as of right.

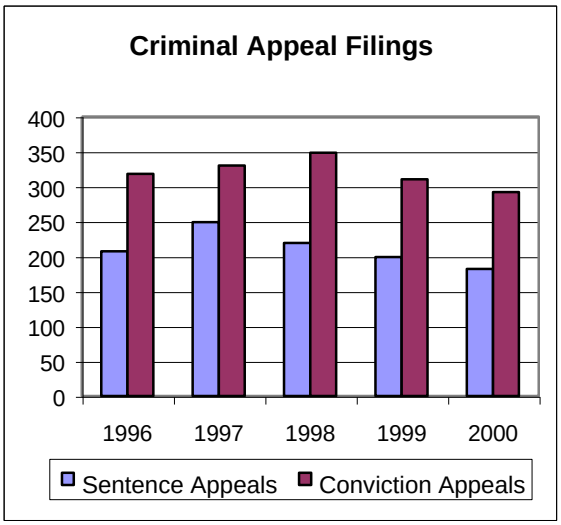
Figure 4



Criminal Case Types

In criminal appeals, appeals from convictions and acquittals take up most of the hearing time of the court, while sentence appeals and summary conviction appeals require less time. Figure 5 gives a comparison of criminal appeals filed between 1996 and 2000. There are consistently 30% more conviction type appeals than sentence appeals.

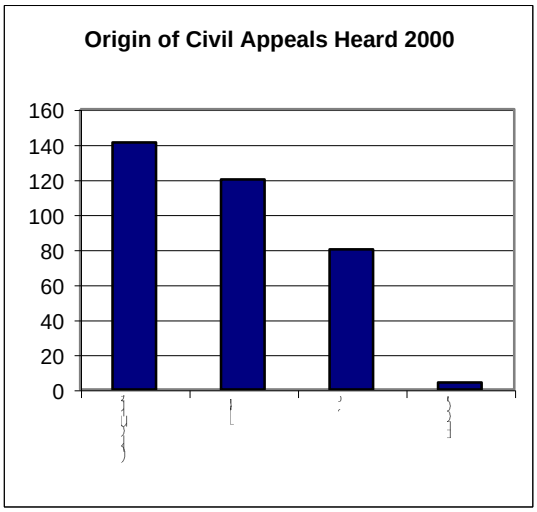
Figure 5



Origin of Appeals

Another way to categorize the civil work of the court is to look at the type of proceeding which gave rise to the appeal. The majority of appeals arise from chambers matters or summary trials. The 2000 figures show appeals from trial judgments were just over 50% of the total number of appeals heard by the Court of Appeal. Figure 6 shows the types of appeals according to the initiating proceeding.

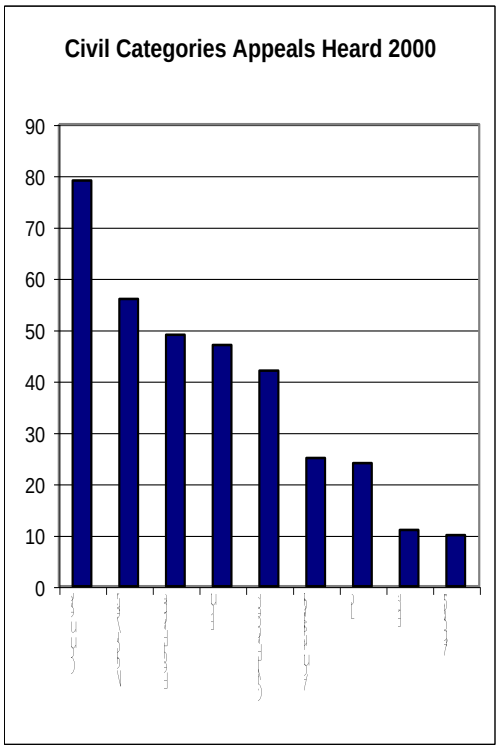
Figure 6



Civil Case Categories

In addition to where a civil appeal originates, there are nine broad categories of civil appeals. Figure 7 gives a flavour of the variety of cases which are heard by the Court of Appeal.

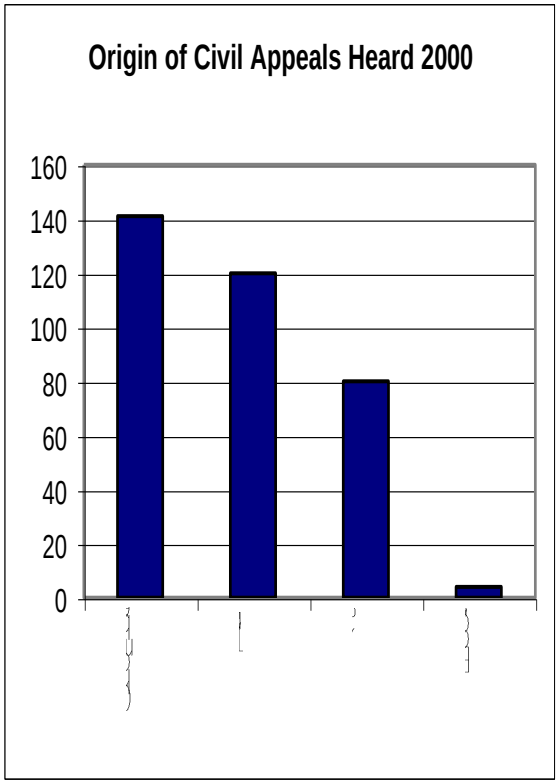
Figure 7



Criminal Case Categories

Another interesting breakdown is for the types of criminal cases which are dealt with by the Court. The category of statutory offences, which is the largest category, covers appeals which arise primarily under provincial statutes. For instance, this category will include traffic ticket violations, fish and wildlife cases and bylaw infractions. Figure 8 gives the seven distinct categories, with a general "other" category for offences which are infrequent in the Court (such as arson, kidnapping, mischief and fraud).

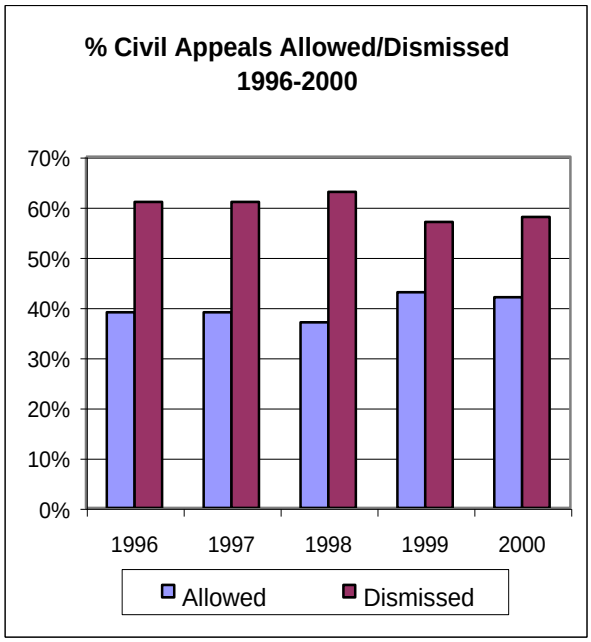
Figure 8



Appeals Allowed

The rate of civil and criminal appeals allowed over the past five years has remained relatively constant. Figure 9 shows the success rate of civil appeals and Figure 10 shows the same rate for criminal appeals. The tables are shown as percentages rather than numbers so that there can be a comparison between the civil and criminal decisions.

Figure 9



Chambers Work

Aside from the regular work of the Court, there is also a justice sitting daily in Vancouver chambers for both civil and criminal matters. Figure 11 shows that there has been a decrease in the number of chambers applications over last year. It is important to note that there was also an increase in the number of applications for leave to appeal. These applications usually take a larger portion of a chambers justice's time to hear.

Figure 10

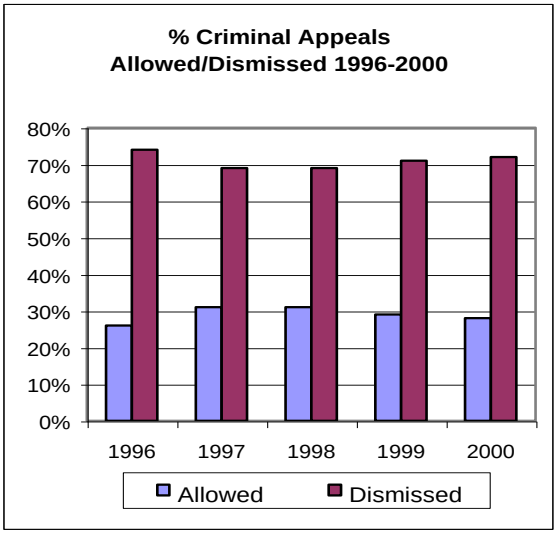
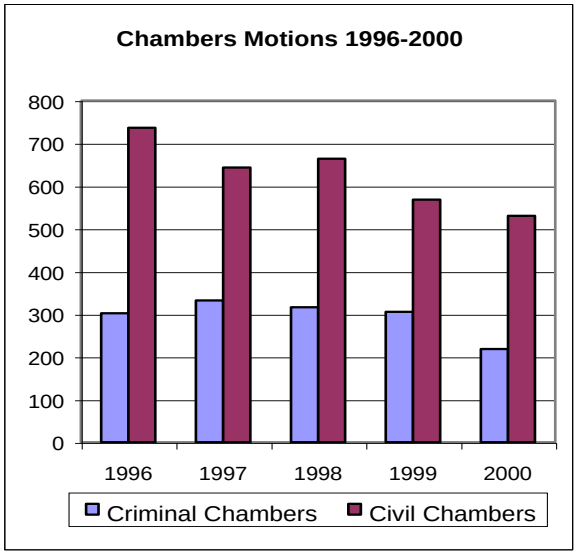


Figure 11



Supreme Court of Canada

There were 93 applications for leave to appeal from decisions of our Court filed with the Supreme Court of Canada in 2000. There were 41 applications pending for a total of 134 applications for leave to appeal.

The Supreme Court of Canada considered 95 applications for leave to appeal from B.C. decisions. Of these 80 were refused, 14 were granted and 1 was remanded back to the Court of Appeal. There were 34 applications for leave to appeal pending at the end of 2000.

In 2000, the Supreme Court of Canada gave judgment in 22 appeals from B.C., allowing 13 and dismissing 9 appeals at the end of 2000. There were 3 reserve judgments pending.

Appendix 1
Civil 1995-2000

	1995	1996	1997	1998	1999	2000
APPEALS FILED:						
Notice of Appeal	929	902	854	822	787	679
Leave to Appeal	355	272	273	272	224	248
TOTAL FILED	1284	1174	1127	1094	1011	927
DISPOSITIONS BY COURT:						
Appeals Allowed	146	174	159	142	151	148
Appeals Allowed %	38%	39%	39%	37%	43%	42%
Appeals Dismissed	237	271	250	241	196	197
Appeals Dismissed %	62%	61%	61%	63%	57%	58%
TOTAL COURT DISPOSITIONS	383	445	409	383	347	345
Appeals Concluded in Chambers or Abandoned	559	1055	988	744	673	544
TOTAL DISPOSITIONS	942	1500	1397	1127	1020	889
Dispositions as % of Filings	73%	128%	124%	103%	101%	96%
Judgments Reserved	179	210	188	182	174	197
Appeals with 5 Judges	10	27	3	5	3	12
Court Motions: Reviews	11	8	10	13	16	10
Granted	9	4	5	6	0	3
Refused	2	4	5	7	16	7
Chambers Motions	745	736	643	664	568	530
LEAVE TO APPEAL						
Granted	86	95	74	65	18	80
Refused	51	76	71	48	39	37
Total	137	171	145	113	57	117

Appendix 2

Criminal Stats 1995-2000

	1995	1996	1997	1998	1999	2000
APPEALS FILED:						
Sentence	237	207	249	219	199	182
Conviction	232	220	232	231	203	174
Summary Conviction	44	29	48	54	39	40
Acquittal & Other	77	69	50	63	68	78
TOTAL FILED	590	525	579	567	509	474
DISPOSITIONS BY COURT:						
Appeals Allowed	127	92	115	127	103	84
Appeals Allowed %	33%	26%	31%	31%	29%	28%
Appeals Dismissed	254	266	253	283	248	218
Appeals Dismissed %	67%	74%	69%	69%	71%	72%
TOTAL	381	358	368	410	351	302
Summary DismissalsAbandonments in Court/Chambers	317	176	193	134	118	149
TOTAL DISPOSITIONS	698	534	561	544	469	451
Appeals Disposed % of Filings	118%	102%	97%	96%	92%	95%
Appeals Heard by 5 Judges	2	2	3	3	4	5
Judgments Reserved	101	92	116	117	78	89
Chambers Motions	329	302	332	316	305	218

Appendix 3
Total Appeals Filed and Disposed 1995-2000

	1995	1996	1997	1998	1999	2000
APPEALS FILED:	1874	1699	1706	1661	1520	1401
COURT DISPOSITIONS:	764	803	777	793	698	647
Appeals Allowed	273	266	274	269	254	232
Appeals Allowed %	36%	33%	35%	34%	36%	36%
Appeals Dismissed	491	537	503	524	444	415
Appeals Dismissed %	64%	67%	65%	66%	64%	64%
Appeals Concluded in Chambers or Abandoned	876	1231	1181	878	791	693
TOTAL DISPOSITIONS	1640	2034	1958	1671	1489	1340
Dispositions as % of Filings	88%	120%	115%	101%	98%	96%
Judgments Reserved	280	302	304	299	252	286
Appeals with 5 Judges	12	29	6	8	7	17
Court Motions: Reviews	11	8	10	13	16	10
Granted	9	4	5	6	0	3
Refused	2	4	5	7	16	7
Chambers Motions	1074	1038	975	980	873	748