

BC COURT OF APPEAL



2013

ANNUAL REPORT

TABLE OF CONTENTS

Message from the Chief Justice	4
Report of the Registrar	6
The Court's Workload	6
Extra-Judicial Appointments and Activities	6
Sittings of the Court	8
Counsel and Media Lock-Up	8
Self-Represented Litigants	8
Registry and Staff	8
Records Management	9
WebCATS	9
Registrar's Hearings	10
Registrar's Farewell	10
Statistics BC Court of Appeal	12
Civil	12
Criminal	13
Global	13
Types of Civil Appeals Filed	14
Types of Criminal Appeals Filed	14
Origin of Appeals	15
Civil Case Categories	16
Criminal Case Categories	17
Appeals Allowed/Dismissed	18
Self-Represented Litigants	19
Time Lapse Median in Days, Court of Appeal Dispositions 2008-2013	20
Statistics Supreme Court of Canada	23
Committee Reports	24
Planning & Priorities Committee	25
Justice Reform	25
Webcasting	25
Court of Appeal Access Policy	25
Proposal For E-Filing All Factums	25
Sittings Outside Vancouver	25
Permissions in WebCATS	26
Judgments.....	27
Rules Committee	28
Civil Appeal Rules	28
Criminal Appeal Rules.....	29

Pilot Project for Conviction Appeals	29
Assistance for s. 684 Applications	30
Criminal Practice Directives and Notes	30
Ineffective Assistance of Counsel	30
Summary Conviction Appeals	30
Forfeiture Appeals, Dangerous and Long Term Offender Appeals	30
Sentence Appeals	30
Civil Practice Directives and Notes	30
Citation of Authorities	31
Costs	31
Correction of Books	31
Yukon Court of Appeal	31
Court of Appeal Technology Committee	32
Education Committee	33
Joint Courts Technology Committee	35
Judicial Access Policy Working Group	36
Mandate	36
Work of the Committee	36
Government Screening Policies	36
Fee Exemptions for CSO	37
Access Applications	37
Court Lists on the Website	37
Government Reorganization	37
Government Date Modeling Project	37
Law Clerk Committee	38
Library Committee	39
Pro Bono Committee	40
Members of the B.C. Court of Appeal	41
The Court's Complement	45
Chief Justice Bauman	45
Madam Justice Stromberg-Stein	45
Mr. Justice Willcock	46
Mr. Justice Goepel	46
Madam Justice Prowse	46
Madam Justice Ryan	47
In Memoriam	47
The Honourable Wilfred John Wallace	47
Staff of the B.C. Court of Appeal	48
Appendices (Civil & Criminal Statistics 2002-2013)	50

MESSAGE FROM THE CHIEF JUSTICE



Since assuming office in June, I have had a chance to reflect on many of the opportunities and challenges facing the Court of Appeal. The Court of Appeal is the highest Court in British Columbia. In 2013, only seven appeals were granted the right to a hearing by the Supreme Court of Canada, making the Court of Appeal effectively the Court of last resort for nearly all British Columbians.

The Court conducts a close review of the decisions of the Provincial and Superior Courts as well as many tribunals. It does so effectively and without delay, despite a rising caseload in 2012 and 2013. The Canadian Judicial Council sets a six-month target for the release of reserve judgments, a measure which all judges of the Court work toward. In 2013, the Court rendered just fewer than 70%

of its reserve judgments within three months of the hearing date. In 2013, 86% of criminal cases and 92% of civil cases were pronounced within this six-month timeframe. At the time of writing this report, parties could schedule a hearing in the Court within two weeks' time.

For several years now, the Court has targeted conviction appeals as proceedings with unacceptable delays. A Criminal Pilot Project was built on a consultative model where the Court worked hand-in-hand with the criminal bar to resolve these cases more quickly. Since inception, the Pilot Project has reduced the average time from filing a Notice of Appeal to hearing by four months. Building on this consultative model, the Court of Appeal will look to the guidance of the bar and public on accepting more electronically filed documents, and may begin optional e-filing of factums and statements in 2015.

Despite these achievements, the Court is mindful of the significant challenges it faces. This year, the Court has seen another increase in self-represented litigants at Court hearings on both the civil and criminal side (7% and 4% increases, respectively). Family law cases are a particular challenge, where 38% of appeal hearings involve a self-represented litigant. These are extremely troubling statistics. They demonstrate just how challenging access to justice is to many British Columbians, even in the Province's highest Court.

The Court is grateful for the work that is being done by the National Action Committee on Access to Justice, chaired by Mr. Justice Cromwell of the Supreme Court of Canada, as well as others who have proposed reforms to address these and other issues. The Court is listening and responding. In the coming year, we will continue to explore initiatives to provide greater simplicity and clarity to Court processes. I look forward to consulting directly with the bar and others on these changes as they are developed and to working with the justice community on our shared goal to improve the efficiency and effectiveness of our justice system.

I must say how proud I am to work with my extraordinary colleagues in the Court of Appeal, and as Chief Justice of British Columbia with judges, masters and other judicial officers in the Supreme Court of British Columbia and in the Provincial Court of British Columbia.

Finally, I wish to acknowledge the incredible years of service to our institution which our Registrar, Jennifer Jordan, has given. Her contributions to the justice sector in our Province have been most significant and her legacy will continue to impact the evolution of the Court for years to come.

The Honourable Chief Justice Robert Bauman

REPORT OF THE REGISTRAR

THE COURT'S WORKLOAD

There were 995 filings of new appeals in 2013, an increase over the 952 new filings in 2012. The increase relates solely to an increase in civil filings over last year. Statistics for criminal and civil caseloads for 2013, with comparable numbers from 2002 to the present, are attached as appendices to this report.

In 2013 the Court delivered written reserved judgments in 289 appeals and 95 chambers applications. In addition, the Court pronounced judgment with oral reasons in a further 164 appeals, and in the vast majority of chambers applications.

All reserve judgments are given a neutral citation and are posted on the Court's website. All oral judgments of a division are transcribed, given a neutral citation, and posted on the website. Oral chambers judgments are transcribed and placed in the Court file. All oral judgments can be found in [Court Services Online](#) (CSO) attached as a document to the Court of Appeal file. Oral chambers judgments are available to counsel or parties upon request, but are not given a neutral citation or posted on the website unless they are considered to be of precedential value.

Most of the justices' non-sitting time is taken up either with the research for or writing of reserved judgments or with preparation for upcoming appeals. The law clerks assist the justices in these tasks. Responsibility for the writing of reserved judgments is shared among those members of the Court who have heard the appeals.

Extra-Judicial Appointments and Activities

In addition to the justices' workload in hearing cases and issuing judgments, every justice is involved in activities in the legal profession, for the larger Canadian judiciary, and for local communities, the Province, and Canada. Justices also attend continuing education seminars, for lawyers and for judges, in Canada and abroad, as participants and speakers. In 2013, justices of the Court held positions on various bodies including:

- Vancouver Foundation
- Vancouver Institute
- Justice Education Society
- Federal Electoral Boundaries Commission
- UBC Law Dean's Advisory Council
- Canadian Institute for the Administration of Justice
- The B.C. Law Institute
- Mr. & Mrs. PA Woodward Foundation
- Federal Judicial Affairs International Deployment of Judges
- International Society for the Reform of Criminal Law
- Canadian Judicial Council
- Canadian Judicial Council Jury Instructions Committee

- Canadian Judicial Council Ethics Advisory Committee
- Canadian Superior Courts Judges' Association
- B.C. Rhodes Scholarship Committee

Judges participated in various seminars and legal education programs such as:

- Feature speaker at CBA Fall Meeting
- CLE education program on Construction Law
- Annual National Canadian Bar Association Conference in Ottawa on Administrative, Labour and Employment Law
- Annual Education Conference of the B.C. Council of Administrative Tribunals
- CBA Administrative Law Subsection
- CLE's course on Psychiatric and Neuropsychological Evidence
- National Judicial Institute
- Canadian Institute for the Administration of Justice conference on Medical Genetics Law and Ethics
- International Society for the Reform of Criminal Law Conference in Tasmania

Judges wrote and edited books and articles, including:

- Family Law Sourcebook
- CLEBC publication "British Columbia Administrative Law Practice Manual"
- CLE book: *Introducing Evidence at Trial*

In addition, judges participated in the community, including:

- Wilson Moot
- Gale Moot
- UBC Moot Court
- UBC/UVic Moot
- UBC Faculty of Law, course in Statutory Interpretation
- Inns of Court Program
- UBC Law Faculty Advisory Committee
- Emil Gumpert Award Committee of the American College of Trial Lawyers
- UBC Trial Advocacy Program
- Justice Education Society
- Participation in Walter Owen Book Prize

SITTINGS OF THE COURT

In 2013, division one sat for 38 weeks; division two sat for 34 weeks and division three sat for five weeks. The Court also sat two divisions in the summer months. In addition, the Court sat for seven weeks in Victoria and three times in the Yukon (total seven days). The Court also sat two days in Kelowna. The Court sat a total of 84 divisions in 2013, three divisions less than the divisions sat in 2012.

COUNSEL AND MEDIA LOCK-UP

For release of the [*Carter v. Canada \(Attorney General\)*](#) judgment in October 2013, the Court conducted a virtual lock-up for counsel as well as a regular lock-up for the media. This procedure is proving useful to the Court, the parties, and the media as it allows an advance review by the parties and the media of the decision before its public release and was the fourth of such lock-ups the Court has undertaken.

SELF-REPRESENTED LITIGANTS

In 2013, out of 715 civil appeals and applications for leave to appeal filed, 215 cases (30%) involved a litigant who was not represented by counsel. There were fewer judgments rendered in civil appeals involving self-represented litigants. Of 270 civil cases disposed of in 2013, 64 (24%) involved at least one self-represented litigant. This is a substantial increase over appeals heard involving self-represented litigants in 2012 (17%).

If we examine the statistics more closely, they reveal the prevalence of self-represented litigants in the family files, where almost 38% of the family appeals heard involved self-represented litigants.

On the criminal side, there were 280 appeals or applications for leave to appeal filed. Of that total, 40 (14%) were appeals or applications by self-represented litigants. Of the 183 criminal appeals heard in 2013, 20 (11%) appeals involved self-represented litigants. The number of self-represented litigants in criminal appeals has decreased over 2012 for appeals filed but there is a 4% increase for self-represented litigants on appeals heard.

REGISTRY AND STAFF

The Court of Appeal is fortunate to have such committed staff who serve the public and the judges with enthusiasm and dedication. In times of budget restraint and staff shortages, it is a credit to the staff that the level of service remains high.

In 2013 we welcomed Robert Loy as our new court clerk. Robert started his career as a court clerk in New Westminster in 2003, then transferred to the Vancouver Law Courts in 2009, moving to the Court of Appeal in May 2013.

This year the registry celebrates several milestones for its staff. The Registrar has been with the Court for 35 years. As well, our dedicated and loyal Court Clerk Diane Schwab has been with Court Services for 35 years. Diane has announced her retirement in 2014. In addition, our Associate Registrar Maria Littlejohn and our Counter Staff Torri Enderton have celebrated

working for the Court for 25 years. These achievements were marked by a ceremony in Victoria where all were honoured with long service awards.

RECORDS MANAGEMENT

In 2013, the Records Officer, Christine Gergich, oversaw the hiring of Wayne Ziants as Records Technician. His job is to take over the management of the Court of Appeal books, which are kept separate from the Court of Appeal files. The job involves getting the materials to the judges in a timely manner, processing incoming books, and responding to requests for access to Court of Appeal records.

There was a reorganization of the ushers in 2013, with three new ushers hired. They now work as a team for both the Supreme Court and the Court of Appeal. Their duties are generally photocopying, delivery and driving. As well, they assist the Records Technician in the Court of Appeal.

Highlights of the changes to records management in 2013 include:

- Re-organization of various records storage areas used throughout the appeal process.
- Re-structured workflows involving the processing and delivery of court records throughout the appeal process.
- A new records tracking section for Court of Appeal original archival court records developed and implemented in WebCATS (case tracking database).
- Filling 115 court records requests for the public, legal profession and agents based on the Court of Appeal Access Policy.
- The on-going development and updates to Records Management Procedural Manual to assist with the corporate memory of procedures and succession planning.

As part of the reorganization of the records storage area, historical records (some dating back to 1897) were transferred to the Provincial Archives for restoration and preservation.

WebCATS

WebCATS, the web-based Court of Appeal tracking system is the Court's electronic file management system. WebCATS has been available to the public through [Court Services Online](#) (CSO) since 2005, allowing the public to search civil and criminal indices for free and to view individual files for a nominal fee.

Court of Appeal e-filing was officially implemented in October 2012. There were 981 efiled documents in 2013, compared to 667 efiled documents in 2012.

In addition to e-filing, scanning of initiating documents, orders and oral judgments is adding further electronic documents to WebCATS. These documents are accessible through CSO. There is a restriction on viewing documents on family and criminal files (with publication bans) as well as all affidavits.

REGISTRAR'S HEARINGS

In 2013, the Registrar conducted 74 hearings out of a total 104 scheduled. Of those 74 hearings, 36 were for the assessment of costs, 15 were to settle orders, and 19 were hearings combining the settling of the order with the assessment of costs. There were also four appointments to settle the contents of the transcript or appeal book. Thirty appointments were either adjourned or settled.

REGISTRAR'S FAREWELL

This Annual Report is the last report for me as I head towards retirement in June, 2014. I started with the Court over 35 years ago, being appointed as the first Registrar of the Court of Appeal in September 1982 on the enactment of revised *Court of Appeal Act and Rules*.

I have worked with four Chief Justices, all of whom have had a vision for the Court and have accomplished so much with their enthusiasm in welcoming change. Their support and encouragement in challenging the *status quo*, promoting the electronic record and use of technology is the reason why the Court has been able to accomplish so much. Chief Justice Nemetz had the initial vision of the modern court. His first task of reforming the *Act and Rules* then required the implementation of a case tracking system in 1988. Chief Justice McEachern ushered in the age of computers, putting a computer on every desk and creating the Courts' website, where all judgments were publicly available. Chief Justice Finch encouraged the further collection of electronic documents. During his tenure, the case tracking system was upgraded to a web-based system (which is available online) and e-filing was introduced. Chief Justice Bauman will be able to build on the successes of the past to take advantage of the digital advancements now available.

The journey for me has seen the Court transform from a pen and paper environment to a computer and technology based modern Court. Our early adoption of a case tracking system put us far ahead of most other Canadian courts of appeal. The development of a standard template for court judgments, moving from lined pages to paragraph numbers and then the adoption of neutral citations has revolutionized the way cases are cited. As one of the first courts to make our judgments available online in 1996, we have given the public access to the judgments of the Court dating back to 1990 as well as our procedures and practices through our website. E-filing has enabled litigants to commence appeals from any location in the province. Hopefully the future will include e-filing of the entire Court record.

All of this would not be possible without the support of our Information Technology (IT) staff. The Superior Courts judiciary have their own IT staff, taking direction solely from the Chief Justices and the judicial administrative staff. Our network is separate from that of the government and has always operated independently, a necessity, in my view, for a modern court.

The registry staff have always been professional and dedicated to their job. Even with the modern pressures of staffing and extra duties, the registry staff manage to perform their tasks with efficiency and humour. Judges of the Court and members of the profession all value the advice and service they receive from the staff. As well, through many years of dealing with self-

represented litigants, the staff are unfailingly fair and courteous, even when faced with challenging situations. Unlike the other courts, there is no self-help centre for litigants in the Court of Appeal, so registry staff must explain Court procedures and documents to self-represented litigants.

My career has been enhanced along the way with many inspiring mentors, Chief Justices, judges and colleagues, especially the Court's Legal Counsel and Law Officers, who have guided my development and informed many of my decisions. I am grateful for all their support and help. I wish to especially thank the judges of the Court of Appeal, who have always been open to changes dictated by the times we live in and who have dedicated their efforts to make this institution grow and flourish.

My special appreciation is extended to Timothy Outerbridge, Legal Counsel, Meg Gaily and Greg Pun - both former Law Officers - Frank Kraemer, Q.C., Executive Director & Senior Counsel and Alix Campbell - former Director of Judicial Administration, Kevin Arens, Director of Finance and IT, Maria Littlejohn, Associate Registrar, Vicki Jang, Deputy Registrar and my assistant Susan Devenish, for their cooperation and assistance over the years. They have made this job enjoyable and are responsible for the respect and admiration of all who come in contact with the Court of Appeal.

STATISTICS BC COURT OF APPEAL

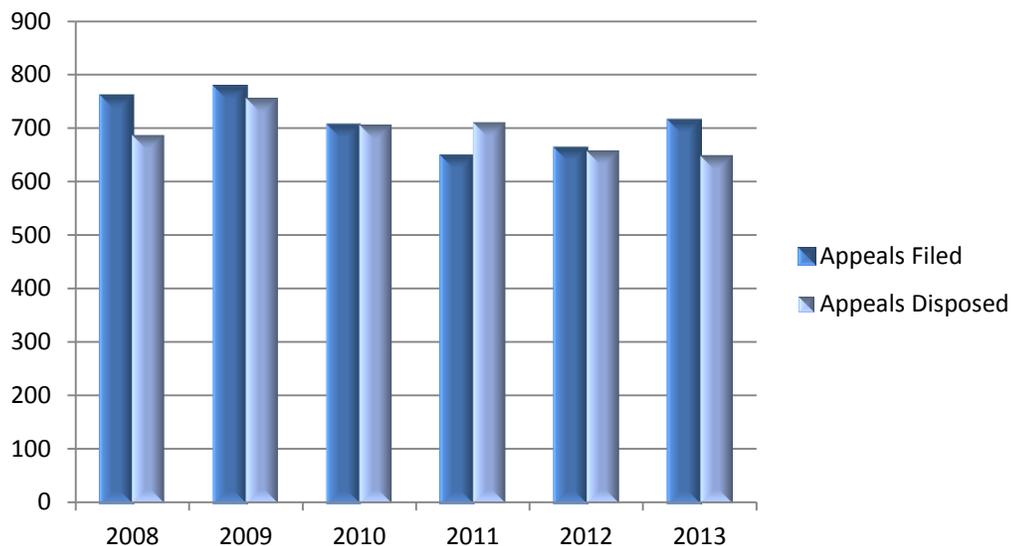
The charts on this page and the next show the volume of litigation and compare the number of appeals filed, both civil and criminal, and the number of appeals disposed of for the period 2008 - 2013. Please refer to the appendices for the actual numbers applicable to these charts.

CIVIL

Figure 1 demonstrates the general increase in appeals filed from 2008 to 2009, with a substantial drop in filings between 2009 and 2011. In 2013 the number of appeals increased significantly. The disposed appeals have fluctuated over the past six years, but have been close to or exceeded filings. For 2013, with the sharp rise in filings over the last year, dispositions have lagged commensurate with the inherent delay in reaching the disposition point. The dispositions as a percentage of filings for 2013 dropped to 91% (Appendix 1).

Figure 1

Civil Appeals Filed and Disposed 2008 - 2013

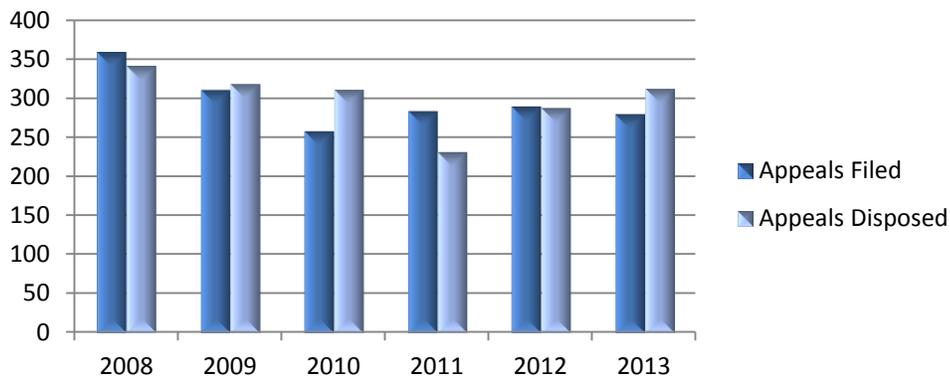


CRIMINAL

Substantially fewer criminal appeals are filed as compared to civil appeals. Figure 2 shows that usually the number of criminal appeals disposed of is slightly more than the number of criminal appeals filed, which assists in reducing the backlog of criminal appeals which had accumulated in earlier years. In 2013, there was a slight decrease in filings. As well, the number of criminal dispositions exceeded the filings, resulting in a disposition rate of 111% of filings (Appendix 2).

Figure 2

Criminal Appeals Filed and Disposed 2008 - 2013

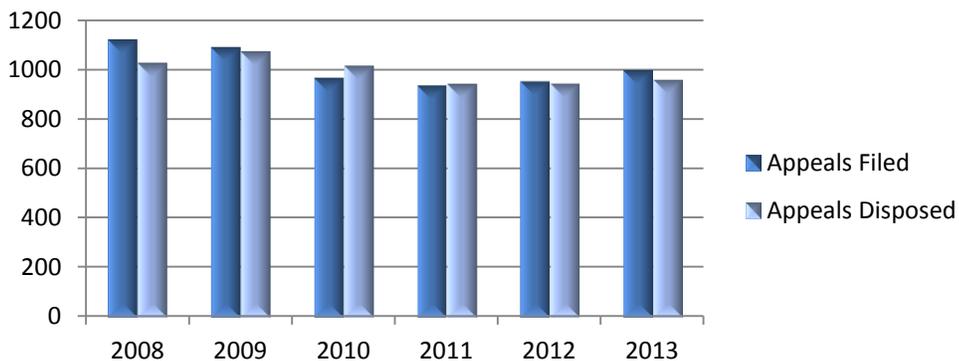


GLOBAL

For a more complete picture of total activity, Figure 3 combines the civil and criminal filings and dispositions. The number of filings was slightly more than the number of dispositions (Appendix 3).

Figure 3

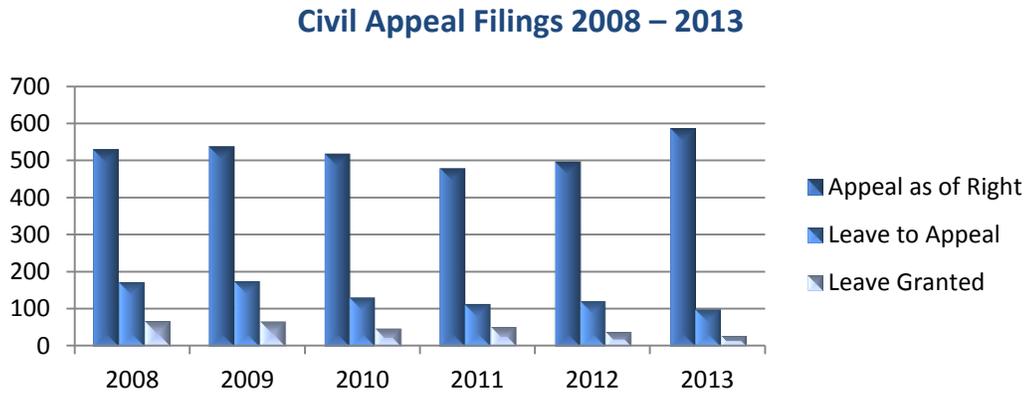
Total Appeals Filed and Disposed 2008 – 2013



TYPES OF CIVIL APPEALS FILED

Of the civil appeals initiated in 2013, 18% were by applications for leave to appeal (this includes those filing two initiating documents where an appellant is uncertain whether leave is required). This is a drop over 2012. In 2013, 60% 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 (Appendix 1).

Figure 4



TYPES OF CRIMINAL APPEALS FILED

In criminal matters, appeals from convictions and acquittals take up most of the hearing time of the Court, with sentence appeals and summary conviction appeals requiring less time. Figure 5 gives a comparison of criminal appeals filed between 2008 and 2013. For 2013, there were more Conviction appeals filed than sentence and summary conviction appeals (Appendix 2).

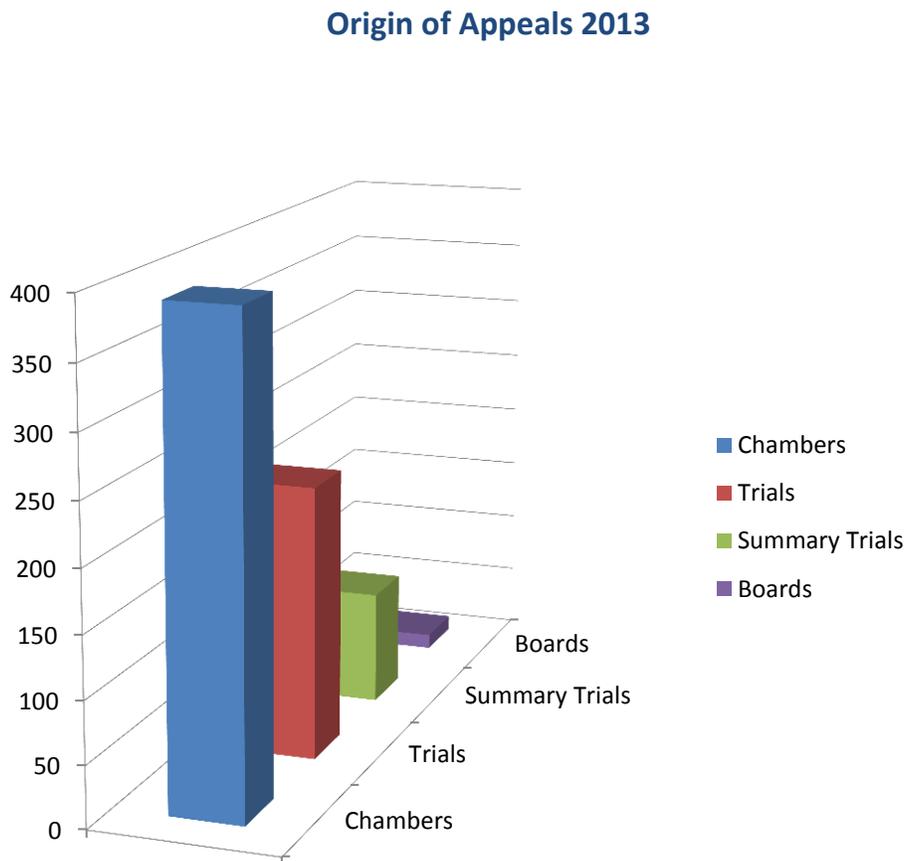
Figure 5



ORIGIN OF APPEALS

Another way to categorize the civil work of the Court is to look at the type of proceeding that gave rise to the appeal. The 2013 figures show there were substantially more appeals from chambers matters and summary trials than appeals from trials. Figure 6 shows the types of appeals according to the underlying proceeding. Almost 70% of appeals filed were from non-traditional trials or orders made in chambers.

Figure 6

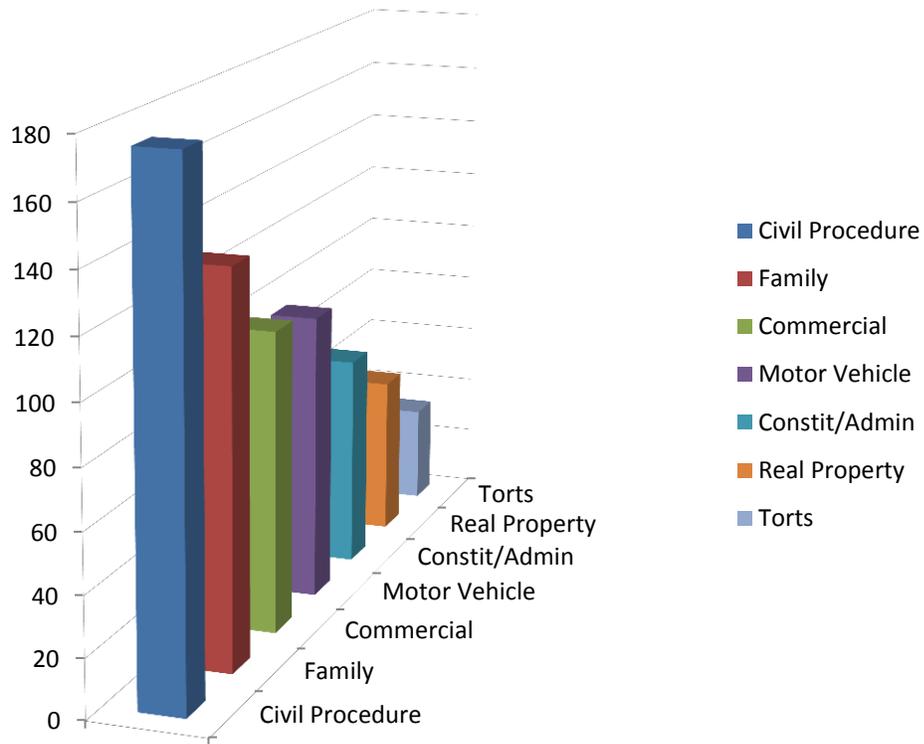


CIVIL CASE CATEGORIES

In addition to recording the origin of civil appeals, we record their subject. There are seven broad categories of civil appeals. Figure 7 gives a flavour of the variety of cases heard by the Court of Appeal.

Figure 7

Civil Case Categories 2013

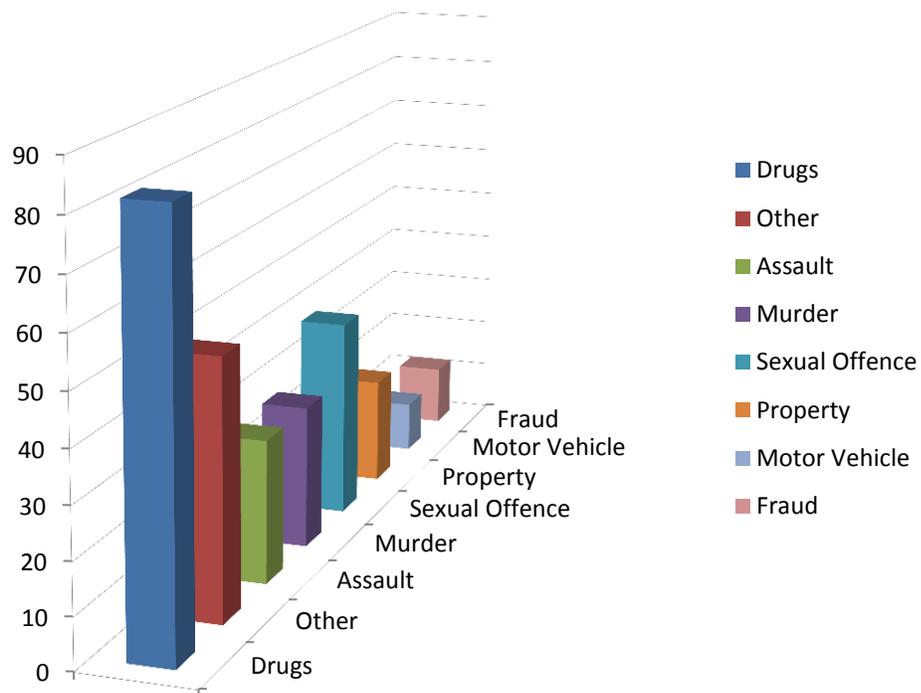


CRIMINAL CASE CATEGORIES

Another interesting breakdown is by the type of criminal cases dealt with by the Court. Drug and sexual offences form the largest categories of criminal appeals this year, amounting to almost 45% of the cases before the Court. “Other” covers various offences such as arson, mischief, extradition, and *habeas corpus* cases. Figure 8 shows the top seven categories and the “other” category.

Figure 8

Criminal Categories Appeals 2013



APPEALS ALLOWED/DISMISSED

The rate of civil and criminal appeals allowed over the past six years has varied. In 2013 the proportion of civil appeals allowed was 37% of the total civil appeals heard. For criminal appeals, 34% were allowed. The “allowed” statistics include appeals partially allowed (i.e. any variations in the order) as well as appeals in which new trials were ordered.

Figure 9 shows the number of civil appeals allowed and dismissed and Figure 10 shows the number of criminal appeals allowed and dismissed. (Appendices 1 & 2)

Figure 9

Civil Appeals Allowed/Dismissed 2008 – 2013

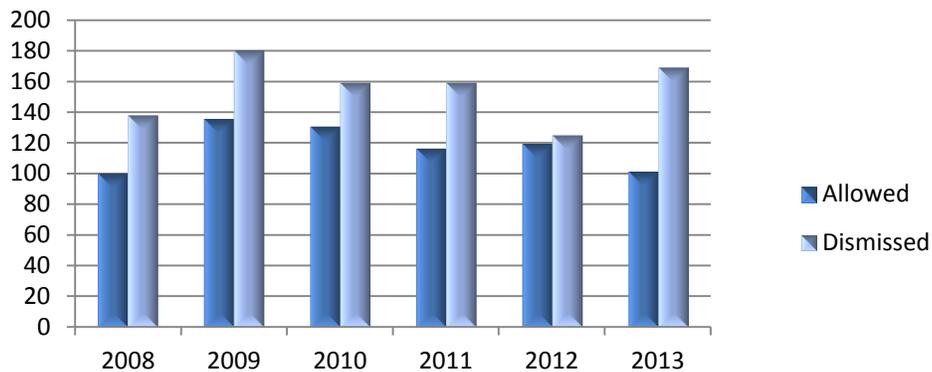
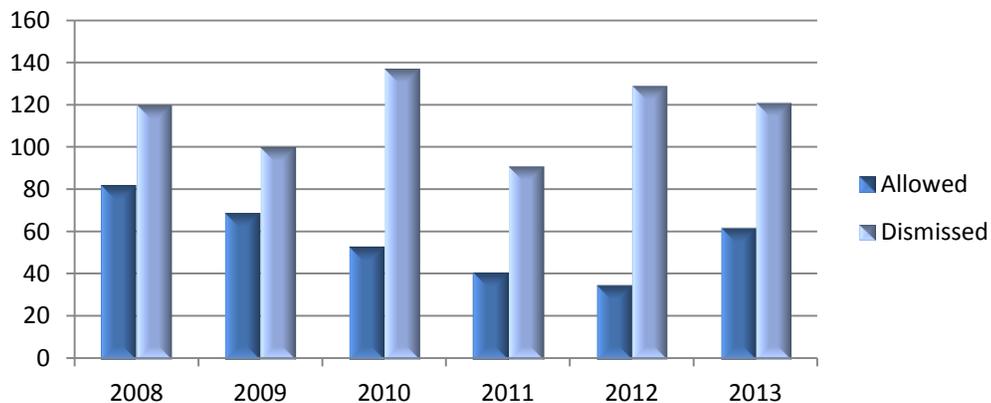


Figure 10

Criminal Appeals Allowed/Dismissed 2008 – 2012

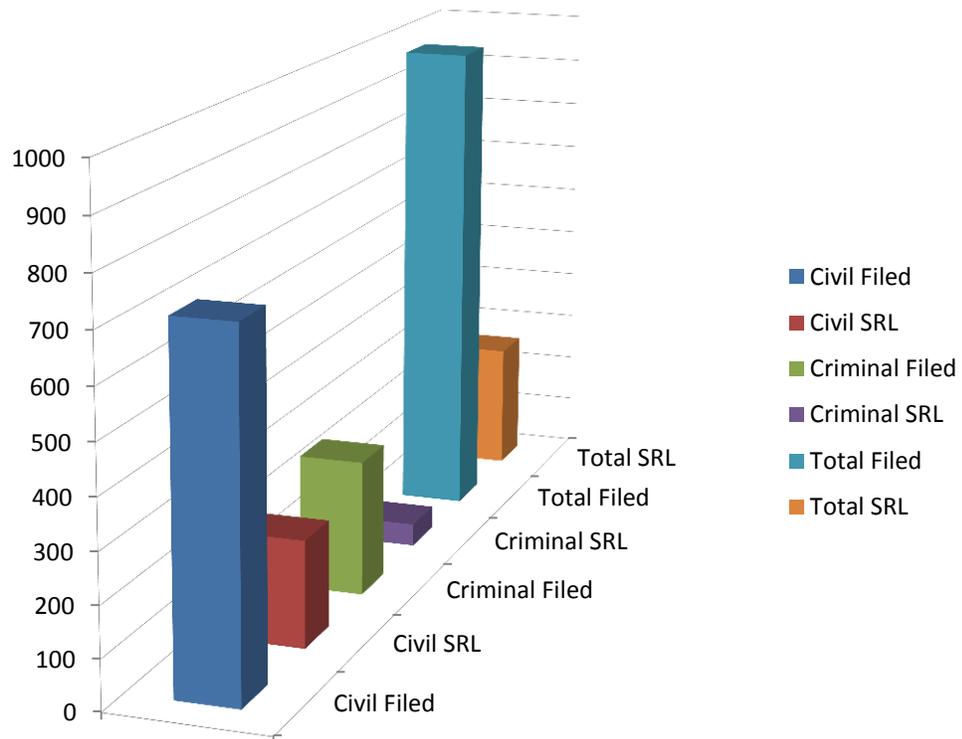


SELF-REPRESENTED LITIGANTS

Figure 11 shows the number of self-represented litigants, compared to the number of represented litigants, who filed appeals in 2013. This number does not include those litigants who file their own appeal but subsequently retain counsel; nor does it show the change where counsel ceases to act. In 2013 the percentage of civil filings for self-represented litigants was 30% and the percentage of self-represented litigants was 14% of all the criminal appeals filed.

Figure 11

Appeals Filed – Self-Represented Litigants 2013



**TIME LAPSE MEDIAN IN DAYS
COURT OF APPEAL DISPOSITIONS
2008-2013**

The following charts represent two timeframes showing the progress of appeals through the Court. The first time period is measured from the filing of the Notice of Appeal to the time an appeal has been perfected by completion of required filings. At this time the parties may obtain a date for the hearing of the appeal. The second time period is from the date an appeal is ready for hearing to the date it is scheduled to be heard. The available dates for the Court fluctuate but generally the parties may obtain a date within three months of a request. The parties are generally responsible for choosing when they want the appeal to be heard.

FIGURE 1: CIVIL

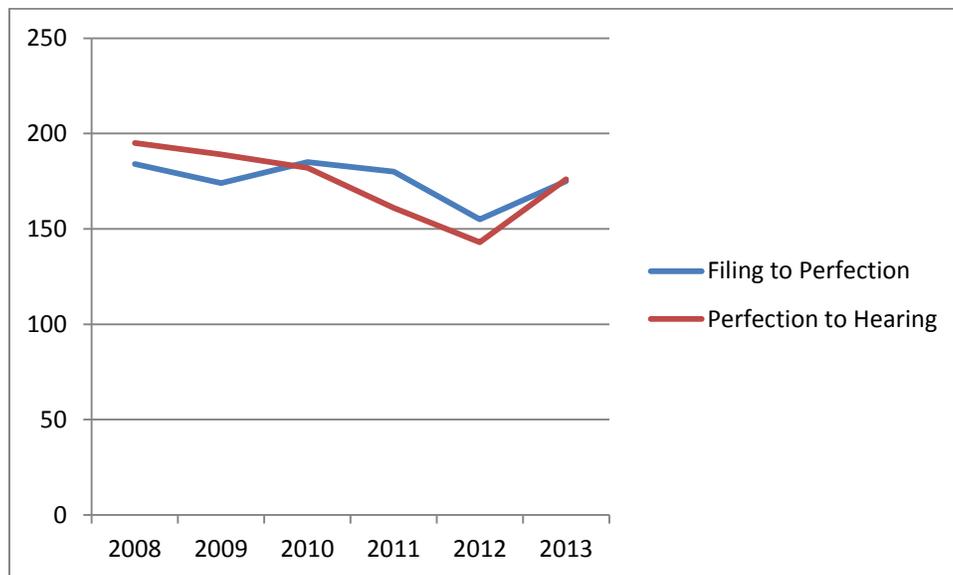


FIGURE 2: FAMILY

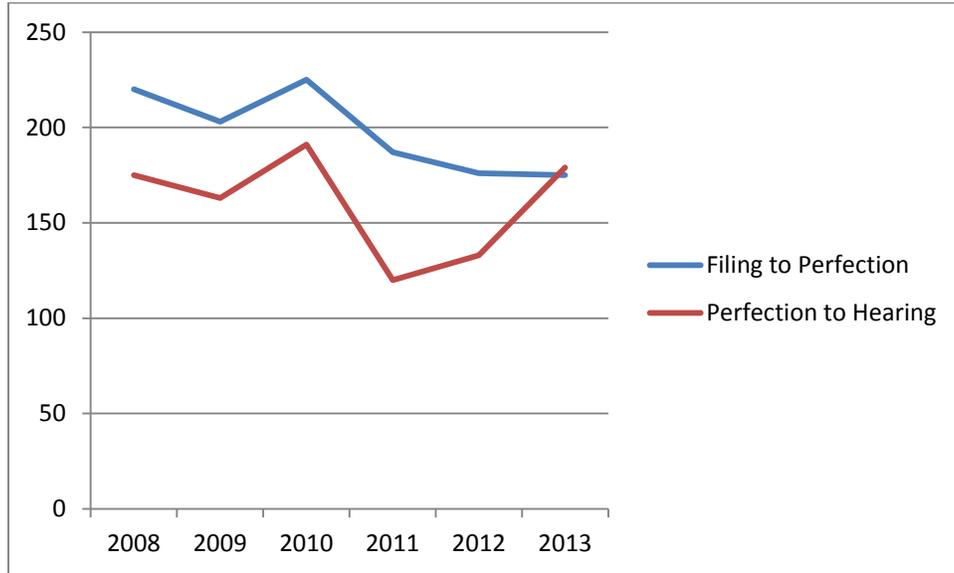


FIGURE 3: CONVICTION

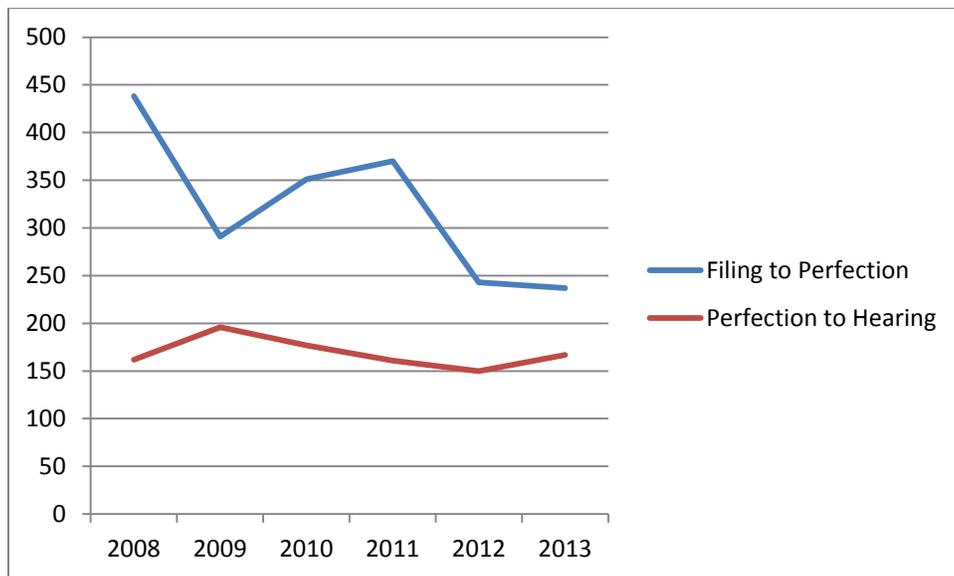
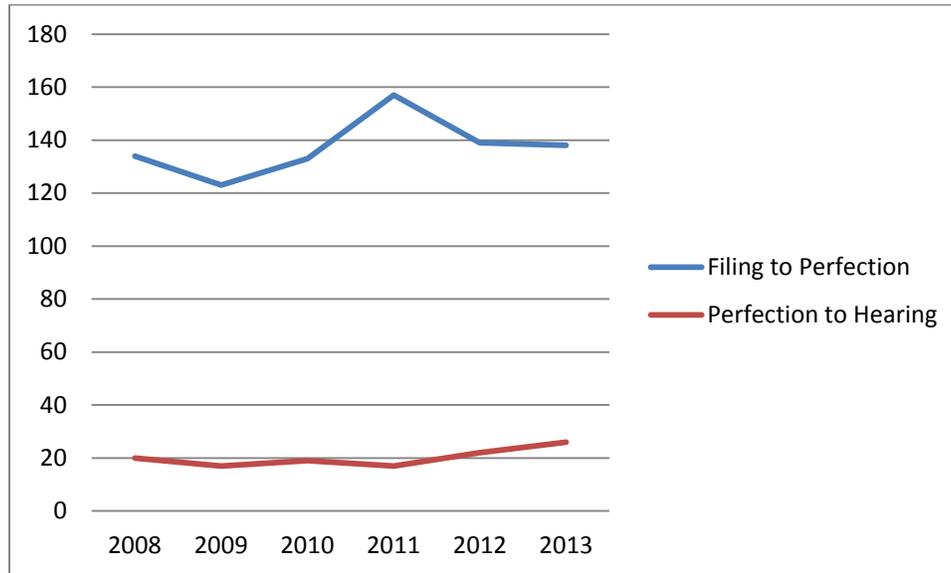
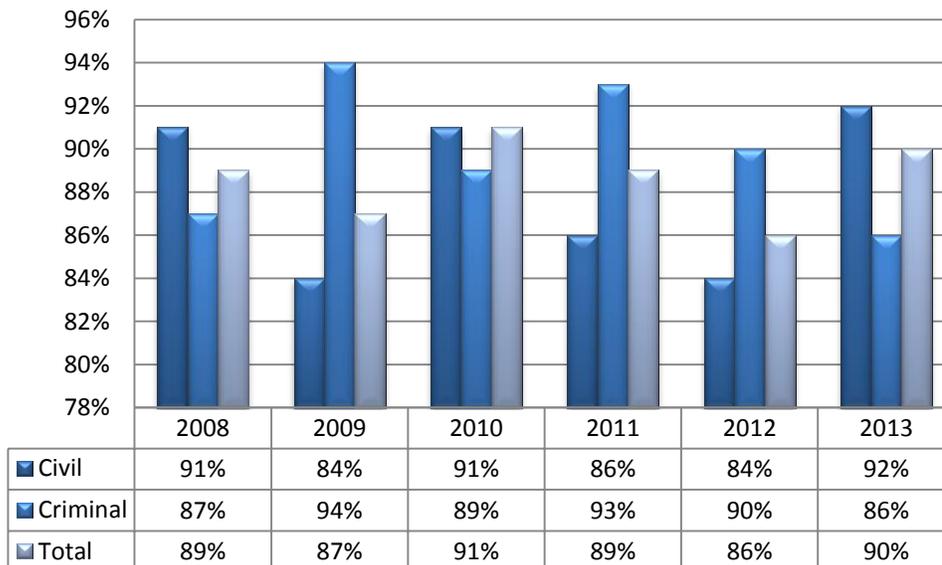


FIGURE 4: SENTENCE



Percentage of Reserve Judgments Released within Six Months Guideline

The Canadian Judicial Council (CJC) provides a six-month guideline for the release of reserved judgments. This chart represents the percentage of Court of Appeal reserve judgments released within that six-month period. The chart represents the civil, criminal and total reserve judgments. The Court reserves in 70% of civil cases and 55% in criminal cases. This chart does not include those cases where judgment is given the day of the hearing.



STATISTICS SUPREME COURT OF CANADA

There were 76 applications for leave to appeal from decisions of the Court of Appeal submitted to the Supreme Court of Canada in 2013.

The Supreme Court of Canada decided 66 applications for leave to appeal. Of these applications, seven were granted, 56 were dismissed, two applications for extension of time were dismissed and one was remanded to the Court. There were ten decisions pending at the end of 2013.

In 2013, the Supreme Court of Canada heard 12 appeals from B.C. cases. Of these, three appeals were allowed, three were dismissed and six were reserved for judgment at the end of 2013.

In 2013, 14% of the applications for leave to appeal to the Supreme Court of Canada came from British Columbia. Of the judgments rendered in 2013, 14% were on appeals from British Columbia.

COMMITTEE REPORTS

PLANNING & PRIORITIES COMMITTEE

Members:

The Honourable Chief Justice Finch (Chair) (to June, 2013)
The Honourable Chief Justice Bauman (Chair) (from June, 2013)
The Honourable Madam Justice Saunders
The Honourable Madam Justice Levine (from September, 2013)
The Honourable Mr. Justice Chiasson (to June, 2013)
The Honourable Mr. Justice Tysoe
The Honourable Madam Justice Neilson
The Honourable Mr. Justice Groberman
Frank Kraemer, Q.C., Senior Counsel & Director of Judicial Administration
Jennifer Jordan, Registrar
Timothy Outerbridge, Legal Counsel

The Planning Committee's name was changed to "Planning & Priorities Committee." As well, the Committee will also sit from time to time as the "Access to Justice Committee," to develop and consider matters of Court reform. The Committee meets monthly to consider matters of general importance to the operation of the Court and acts as the Court's executive committee. New policies, initiatives, and changes in the administration of the Court are considered by the Committee. The Committee reports to the full Court at the semi-annual meetings to obtain approval where required.

These are some of the matters considered during 2013:

JUSTICE REFORM

With a number of Access to Justice reports being released in 2013, as well as the new [Justice Reform and Transparency Act](#), the Committee was busy reviewing the [Memorandum of Understanding](#) (MOU) between the three courts and the Minister of Justice. This MOU was considered the best means of capturing agreement on the division of administrative responsibilities between the Ministry of Justice and the judiciary. The approval of the MOU came after a special meeting of the Court of Appeal.

Pursuant to the *Justice Reform and Transparency Act*, two [Justice Summits](#) were held in 2013, with the participation of the judiciary.

WEBCASTING

The Court conducted its first webcast in the case of *Carter v. Attorney General (Canada)*, a case involving assisted death. The purpose of the webcast was to allow greater public scrutiny of Court processes by the public and to facilitate access to those who cannot usually attend Court. Broadcasting was also seen as having an educational aspect: that law schools, bar courses, and high schools might have the opportunity to view an archive of authentic court proceedings

when teaching students about the law. Most of all, the proposal was about access, both to those who had vested rights in the proceedings and those who wanted to be able to watch a complex or high-profile case without coming to court.

There was also a need to balance the public interest in the broadcast with the potential for sensationalizing proceedings and the potential for impacting privacy concerns. These concerns were met with terms of use for the media.

The Court heard this appeal over five days in March, 2013. The webcast was viewed by many interested in the appeal and was archived on the Court's website until the end of the year. During the proceedings, viewership started out high on the first day (1939 individual logins) to the last day (only 219 individual logins) with an average of 864 logins per day. Housing the video is too expensive for the Court and efforts are underway to find a permanent home for the video so that it can remain available to the public.

COURT OF APPEAL ACCESS POLICY

The [Court Access Policy](#), published in 2012, has been amended to provide for an email address and procedure for people seeking to access records, both civil and criminal.

PROPOSAL FOR E-FILING ALL FACTUMS

To prepare the stage for the e-filing of larger documents in the Court of Appeal, the Court is embarking on a consultation process leading to the electronic e-filing of all civil and criminal factums and statements. The timeline for this project stretches over two years, culminating in the mandatory requirement of e-filing all factums and statements. Self-represented litigants will be excluded from the requirement and it is anticipated that there will be third party providers to file on behalf of counsel if they so wish. The consultation paper will be issued in early 2014. Depending on funding, there will be mandatory e-filing of factums and statements by January, 2016.

SITTINGS OUTSIDE VANCOUVER

The Committee is exploring changing the default position for the hearings of appeals from Kamloops and Kelowna (and the Okanagan Valley) to a hearing in either location where the proceeding or trial was initially heard. The same will apply to suitable appeals originating in Prince George. To effect this change, there will have to be consultation with the local bars as well as Crown Counsel and Court Services staff on how to best ensure the transition if it is implemented.

PERMISSIONS IN WEBCATS

The Court's internal case tracking system (WebCATS) has been upgraded so that the permissions more accurately reflect the specific needs of the parties requiring access to the system. Over the past few years, the user base has grown to include a large number of Court Services staff who use WebCATS to track appeals for the purpose of the retention or destruction of trial exhibits.

Another reason for changing access permissions in WebCATS is the change in policy regarding access to criminal appeal files. When [CSO](#) (the case tracking system available to the public) was first implemented, all files with a publication ban were automatically hidden. The new system allows access to the records of all criminal files (excluding youth) including select documents which are filed or scanned. If there is a publication ban on a file, the public will be able to access a list of documents but not be able to see the actual document.

JUDGMENTS

The Committee approved the addition of summaries at the beginning of all judgments. These summaries are prepared by the author of the judgment and are now part of the judgment instead of appearing only as a separate file on the internet. As well, the Committee approved standardized language for publication bans which appear on the face of judgments. The goal of both these initiatives is to ensure the Court is communicating clearly with the public and media.

RULES COMMITTEE REPORT

Members:

Chief Justice Finch (until June 16, 2013)
Chief Justice Bauman (after June 16, 2013)
Madam Justice Newbury (from November, 2013)
Mr. Justice Frankel (until November, 2013)
Madam Justice Bennett
Madam Justice Garson (Chair)
Mr. Justice Hinkson (until November, 2013)
Madam Justice MacKenzie (from November, 2013)
Mr. Justice Harris
Jennifer Jordan, Registrar
Timothy Outerbridge, Legal Counsel

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 the *Court of Appeal Rules* and the *Court of Appeal Criminal Appeal Rules, 1986* (the “Rules”). The Committee is also responsible for amendments to the *Yukon Court of Appeal Act* and the *Yukon Court of Appeal Rules, 2005*. The Committee reports to the full Court on recommendations for amendments. It consults with members of the bar and other organizations, such as the Canadian Bar Association (CBA) when there is a proposal that significantly changes the practice and procedure of the Court.

There have been many changes to the Rules Committee over the past year. The retirement of Chief Justice Finch and the addition of Chief Justice Bauman took place in June. Mr. Justice Hinkson (as he then was) left the Committee with his appointment as Chief Justice to the Supreme Court. Mr. Justice Frankel left the Committee after serving his full six-year term, but will continue on the Criminal Rules Subcommittee. The Committee welcomed as new members Madam Justice Newbury and Madam Justice MacKenzie.

CIVIL APPEAL RULES

The Committee is proposing amendments to the civil Rules to cover some matters that were not caught in the 2012 amendments to the *Court of Appeal Act* and civil Rules. The Court has approved these amendments.

The Court has also approved another amendment to the Rules regarding transcripts, allowing a judge in chambers to have more control over the size of the transcript ordered.

CRIMINAL APPEAL RULES

Pilot Project for Conviction Appeals

The Pilot Project to reduce delay in the prosecution of criminal conviction and acquittal appeals ended December 31, 2013. The goal of the Pilot Project was to have most of these appeals heard within one year of initiation. The Court has agreed to convert the Pilot Project into a regular Practice Directive until the criminal Rules can be amended to include the new timelines for filing documents.

Statistics have been prepared by an independent consultant for the Court. The results of those statistics indicate that the elapsed time between the filing of the Notice of Appeal and other events (such as the filing of transcripts and the filing of factums) is substantially shorter for those cases initiated under the Pilot Project than for those initiated before the Pilot Project. The Court has seen a four-month reduction in the average time it takes an appeal to be heard. This reduction has taken place despite the inability of the Court to tackle initial delays beyond its control - specifically, the delays relating to the appointment of counsel through the Legal Services Society and the subsequent delay in the hearing of the s. 684 applications for Court appointed counsel.

While the Pilot Project has not resulted in more appeals being heard within one year of initiation, there has been a 23% improvement in appeals concluded within 16 months of initiation. Another useful statistic is that the predictability of the timeline for an appeal improves under the Pilot Project. In other words, with standard times for achieving milestones, there are fewer cases which fall outside the standards.

With the maturity of the project, the reduced time periods are showing up more frequently for cases which were filed later in the project, meaning improvements are more evident for the appeals filed later in the project.

One of the key components to this Pilot Project has been the management of cases by judges who form the Criminal Rules Subcommittee. They were Madam Justice Prowse (who retired in September 2013), Mr. Justice Frankel, Madam Justice Neilson and Madam Justice Bennett. With the cooperation of counsel, this additional attention to the appeals has resulted in many large and difficult appeals being ready for hearing much sooner than would ordinarily have been the case.

The Criminal Subcommittee is extremely grateful to the Advisory Group of defence and Crown Counsel who have been available to meet to discuss the Pilot Project and to make suggestions as the Pilot Project progressed. Appreciation is expressed to the following members of the Criminal Advisory Group:

Scott Bell	Eric Gottardi	Gil McKinnon, Q.C.
Jim Blazina	Rod Holloway, Q.C.	Paul Riley
Greg DelBigio, Q.C.	Raymond Leung	Deborah Strachan
Richard Fowler	Michael Lucas	Michael Tammen
John Gordon, Q.C.	Brock Martland	Val Hartney

Assistance for s. 684 Applications

One of the delay issues revealed by the Pilot Project is that once legal aid is denied, an incarcerated appellant has a difficult time preparing the documents required for the appointment of counsel pursuant to s. 684 of the *Criminal Code*. The law students at all three of B.C.'s law schools now have permission to attend at the prisons and assist unrepresented parties in the preparation of their materials for the s. 684 application. These applications are usually conducted by videoconference.

CRIMINAL PRACTICE DIRECTIVES AND NOTES

Ineffective Assistance of Counsel

This new [Practice Directive](#) replaces the previous Practice Directive and delineates the procedure for advancing this issue on appeal. The changes incorporate the obligations of counsel when the ineffective assistance of trial counsel is raised on appeal. Case management judges will be appointed to supervise the filing time periods and how to deal with trial counsel's affidavit in response to the allegation. Unrepresented litigants alleging ineffective assistance of counsel will immediately be referred to case management.

Summary Conviction Appeals

As part of the [Pilot Project for Conviction/Acquittal Appeals](#), summary conviction appeals were identified as having no identifiable timeline for seeking leave. This new [Practice Directive](#) dictates the filing times and the material required for the leave application. It is anticipated that the leave application will be heard within three months of the filing of the notice of appeal. If leave is granted, the appellant shall fix a hearing date within six months of leave being granted. The intent is to have the summary conviction appeal heard and concluded within nine months of initiation.

Forfeiture Appeals, Dangerous and Long Term Offender Appeals

While these appeals appear to be sentence appeals, they are important enough to be treated more like regular conviction appeals requiring factums. This [Practice Directive](#) sets out the timelines for filing factums.

Sentence Appeals

The [Sentence Appeal Practice Directive](#) was amended to exclude Forfeiture, Dangerous and Long Term Offender appeals.

CIVIL PRACTICE DIRECTIVES AND NOTES

Citation of Authorities

This [Practice Directive](#) was rewritten and updated. The main difference is that the *McGill Guide to Uniform Legal Citation* 7th Edition has been adopted, with a few exceptions. In addition, the Practice Directive encourages the use of hyperlinks in electronic factums the Superior Courts judgment database, CANLII, or Lexum for Supreme Court of Canada decisions.

Costs

This new [Practice Directive](#) clarifies how the Court wants to deal with costs of an appeal. The judgments are usually silent as to costs and the Court approves of the procedure of the successful party adding a term for costs in their order. If there is disagreement, the matter may be settled by the Registrar or by reference back to the division which heard the appeal.

Correction of Books

Due to demands on staff time, the registry cannot make courtesy corrections to the books filed on an appeal. This [Practice Note](#) instructs those who wish to make corrections to either send a letter to the registry indicating the significant errors; file an amended book with consent; or make an application to a judge in chambers or at the hearing itself.

Yukon Court of Appeal

The Court was asked to comment on a statutory amendment proposal from the Yukon relating to reform to address vexatious litigants.

COURT OF APPEAL TECHNOLOGY COMMITTEE

Members:

The Honourable Chief Justice Finch (to June 16, 2013 *ex officio*)
The Honourable Chief Justice Bauman (from June 16, 2013 *ex officio*)
The Honourable Madam Justice Levine (Chair)
The Honourable Mr. Justice Tysoe
The Honourable Mr. Justice Groberman
The Honourable Madam Justice Bennett
The Honourable Mr. Justice Willcock
Frank Kraemer Q.C., Senior Counsel & Executive Director, Judicial Administration
Jennifer Jordan, Registrar
Timothy Outerbridge, Legal Counsel

The Court of Appeal Technology Committee was created to deal with issues arising from the use of computers in the courtroom. The Committee's work this year has focused on preparing a protocol for electronic appeals and preparing the courtroom and staff for the electronic display of material in the courtroom.

Courtroom 61 has now been wired and as a result, there are now two courtrooms capable of hearing a fully electronic appeal.

For regular appeals, the screens can also be used to display transcript references. Installation of multiple screens and training for the court clerks are proceeding. Their screens are not yet connected to the judge and counsel screens.

A draft Protocol for Electronic Appeals has been prepared and is being used informally for large appeals. The main parts of the protocol cover the following:

- Parties are to file PDF documents in eBinders
- Documents are bookmarked and hyperlinked
- Paper factums and a condensed book of material are optional
- All parties must consent to the procedure
- Where possible, parties should exchange material and the final eBinder should contain all the parties' material

Training for judges is an important part of preparing for electronic appeals. The use of dual monitors was made possible with the recent laptop refresh. More than half of the justices of the Court have received two large monitors for their chambers. An educational session on the use of technology was presented to the entire Court.

A Pilot Project is proposed that will lead to the e-filing of factums with the Court. A consultation paper was issued in early 2014 seeking input from the profession and other effected parties on the potential for e-filing of factums. The proposal would lead to the eventual mandatory e-filing of factums for both civil and criminal matters, and ultimately to a protocol for e-filing of appeal books.

EDUCATION COMMITTEE

Members:

The Honourable Mr. Justice Chiasson
The Honourable Mr. Justice Groberman (Chair)
The Honourable Madam Justice Bennett
The Honourable Mr. Justice Harris

The Education Committee presents programs for the judges at monthly sessions known as “Law at Lunch” and at the spring and fall meetings of the Court.

Law at Lunch is an informal lunch meeting of the judges, held about once a month, at which a speaker presents a topic that relates generally to the work of judges and its impact on others. Programs of greater length are presented at the semi-annual meetings.

Judges of the Court also have the opportunity to attend educational programs offered by various organizations, including the National Judicial Institute, the Canadian Institute for the Administration of Justice, the Federation of Law Societies, the Continuing Legal Education Society of British Columbia, the Canadian Bar Association, and university law schools. All of these educational activities are designed to assist judges to remain current in the understanding of substantive and procedural legal developments, as well as in some of the broader issues that form the background to judicial work.

This year, in addition to sessions devoted to the workings of the Court itself, our invited speakers for Law at Lunch sessions included:

- Richard Laing, Manager of Health Canada’s Drug Analysis Service Laboratory in Burnaby, who spoke about clandestine drug labs;
- Richard Rosenthal, Chief Civilian Director of the Independent Investigations Office of British Columbia, who spoke about the establishment and function of the Independent Investigations Office;
- Justice John Laskin of the Ontario Court of Appeal, who spoke about that court’s practices with respect to the giving of endorsement judgments;
- Peter Gall Q.C., who gave a presentation on the future of the legal profession;
- Members of the B.C. Sheriff Services, who gave a presentation on the jury management system in British Columbia

At the Court’s spring meeting, the Honourable Frank Iacobucci CC, Q.C. gave a talk entitled “First Nations and Juries: A Challenge for our Justice System” in which he discussed his recent report on the issue in Ontario.

At the Court's fall meeting, the Justice Education Society of B.C. screened the film "The Most Violent Place on Earth" and representatives of the Society spoke about their experiences in Guatemala and elsewhere in Central America, and the Society's continuing work in that part of the world.

The membership of the Education Committee changed over the course of the year, with Mr. Justice Donald retiring from the Committee and Madam Justice Ryan retiring from the Court. The Committee is grateful to Justice Ryan for her work on the committee during her brief tenure with it. The committee would also like to express its gratitude to Justice Donald, who was the Court's Education chair for several years, and made tremendous contributions to the court's education programs. The vacancies on the committee have been filled by the Mr. Justice Chiasson and Mr. Justice Harris.

JOINT COURTS TECHNOLOGY COMMITTEE

Members:

Mr. Justice Masuhara (Chair)
Madam Justice Levine
Mr. Justice Groberman
Madam Justice Adair
Mr. Justice Myers
Mr. Justice Rogers (to March 2012)
Mr. Justice Punnett (from March 2012)
Master Baker
Jennifer Jordan, Registrar Court of Appeal
Frank Kraemer, Q.C., Executive Director & Counsel, Judicial Administration
Kevin Arens, Director, Information Technology & Finance
Cindy Friesen, Director, Supreme Court Scheduling
Timothy Outerbridge, Legal Counsel
Heidi McBride, Legal Counsel

In 2013 the committee focussed on the installation of new computers and associated hardware and software for both courts. The project was successfully completed. Committee members participated in various other technology initiatives for the courts. The committee continues to review developments and their impact on the work of the courts.

JUDICIAL ACCESS POLICY WORKING GROUP

Members:

Jennifer Jordan, Registrar, Court of Appeal (Chair)
Frank Kraemer, Q.C., Executive Director & Senior Counsel, Judicial Administration, Superior Courts
Craig Wilkinson, Executive Director Judicial Administration, Provincial Court (to December 2013)
Grant Marchand, Manager, Judicial Resource Analysis & Management Information Systems, Provincial Court (from December 2013)
Brenda Miller, Executive Director Corporate Support, Court Services Branch (to September 2013)
Dominique Bohn, Executive Director, Service Reform, Court Services Branch (from September 2013)
Dan Chiddell, Director Strategic Information & Business Applications, Court Services Branch
Wendy Harrison, Senior Analyst, Court Services Branch (to October, 2013)
Janet Donald, Director of Policy, Legislation and Issue Management, Court Services Branch (from October 2013)
Timothy Outerbridge, Court of Appeal Legal Counsel
Heidi McBride, Supreme Court Legal Counsel
Gene Jamieson, Q.C., Legal Officer, Provincial Court
Kathryn Thomson, Legal Policy Advisor

MANDATE OF THE COMMITTEE

The Committee is a joint committee consisting of representatives from all three courts and Court Services Branch employees. The Committee develops draft policies and interacts with the various court committees, seeking guidance and approval relating to access to court records, particularly those in electronic format. The Chief Justices and Chief Judge give approval before new policies are adopted. In addition to policy work, the Committee also reviews access applications for those seeking bulk access to court record information.

WORK OF THE COMMITTEE

In 2013, the work of the committee included the following:

Government Screening Policies

The government has changed its employee screening policies. The impact for those who access the various systems is that there are higher screening requirements for access to court systems than there are for the general employee of government.

Fee Exemptions for Court Services Online (CSO)

There was an application for exemption from fees for access to CSO. The Committee determined that this was a matter of Court Services policy and not a matter for the Chief Justices and the Chief Judge.

Access Applications

During the year the Committee received, considered and granted a number of applications from a variety of government agencies and departments for access to court records for fulfilling their statutory mandate. There were also applications from universities and other academic organizations to access information for research purposes.

Court Lists on the Website

The Committee received a complaint concerning a Google name search which turned up a name on a court hearing list. The person complained that his name was accessible through Google. In response, the Committee is considering blocking the indexing of court lists by Google (and by reference any other indexing program) in the same way that the courts reasons for judgment are not indexed by search engines such as Google.

Government Reorganization

The reorganization of some branches in the Ministry of Justice has made it necessary to consider the ramifications of moving employees who access court record information through electronic systems to corporate and information systems branches under different management. While a long term solution has not yet been finalized, interim access agreements are in place to enable employees to continue to do their work regardless of these organizational and management changes.

Government Data Modeling Project

The Committee is currently considering a request to use anonymous information for data models to assist Court Services Branch assess the impact of changes in legislation as well as any other system change.

LAW CLERK COMMITTEE

Members:

The Honourable Madam Justice Newbury
The Honourable Mr. Justice Frankel (Chair)
The Honourable Mr. Justice Tysoe
The Honourable Madam Justice D. Smith
The Honourable Madam Justice Bennett
Timothy Outerbridge, Legal Counsel

The Law Clerk Committee provides general supervision over the Court of Appeal's law clerk program. The Legal Counsel provides day-to-day supervision for the law clerks. One of the major tasks of the Committee is to interview the short list of candidates, following the interviews by the Legal Counsel of the Supreme Court and Court of Appeal. Law clerks in the Court of Appeal commence their terms in the first week of September each year and finish variously after 10, 11, or 12 months (i.e. at the end of June, July, or August).

In January 2013, the law clerk program received 129 applications for the 30 clerk positions available in the two courts for the 2013 – 2014 term. Most were students from the University of British Columbia or the University of Victoria law schools and the remainder were from other Canadian and foreign law schools.

In February 2013, the Legal Counsel interviewed 97 of those applicants. Subsequently, the judges of the Court of Appeal Law Clerk Committee interviewed 24 candidates and selected 12 for the positions in the Court of Appeal. In September 2013, 12 clerks began their clerkships at the Court of Appeal for the 2013 – 2014 term. Of the clerks starting in September, there are five clerks from the University of British Columbia, one from the University of Victoria, one from the University of Saskatchewan, three from Dalhousie, one from the University of Toronto and one from Queen's University.

In October and November 2013, justices from either or both courts' Law Clerk Committees, the legal counsel, and some former and current clerks, attended recruitment information sessions at the University of British Columbia, the University of Victoria and Thompson Rivers University law schools. The legal counsel and the members of the Law Clerk Committee continue to refine the recruitment and application process. This year, the Committee decided to conduct interviews in 2014 east of Manitoba through the use of Skype to reduce any financial hardship to students.

The Committee expresses its thanks to Jill Leacock and Heidi McBride, Legal Counsel to the Supreme Court, Timothy Outerbridge, Legal Counsel to the Court of Appeal, and to Alix Going and Andrea Baedak, for their assistance.

LIBRARY COMMITTEE

Members:

Madam Justice Kirkpatrick (Retired Chair)
Madam Justice Griffin (Chair)
Madam Justice Humphries
Madam Justice Kloegman
Mr. Justice Goepel
Frank Kraemer, Q.C., Executive Director & Senior Counsel, Judicial Administration
Diane Lemieux, Librarian

The Library continues to find ways to balance its budget and provide current resources to its users.

This year print copies of the *Western Weekly Reports* were changed to e-digest only, joining the *Canadian Bankruptcy Reports* and *Carswell's Practice Cases* as products that we subscribe to in an electronic format only. With access to Westlaw Canada subscribers can link directly to the full text cases. Our print subscription to the five remaining commercial law reporters (*British Columbia Law Reports*, *Criminal Reports*, *Canadian Criminal Cases*, *Dominion Law Reports*, and *Reports of Family Law*) include the paper parts, bound volume and case digest summaries that are sent electronically before the print volumes arrive.

As well, case digests and popular online legal newsletters such as [Epstein's This Week in Family Law](#), [Houlden and Morawetz On-line Newsletter](#) and [Watt's Criminal Law and Evidence Newsletter](#) are forwarded electronically to judges who have signed up to the various routing lists.

With the cost of library subscriptions jumping dramatically this year, our standing order looseleaf subscriptions had a thorough review with the end result being that thirty-six loose-leaf services were either cancelled outright or the number of copies being purchased were reduced. As well as general usage, factors such as whether the material was available in the local courthouse libraries was considered, as well as the importance of the material and whether the product was a leading or preferred authority on the topic.

Staff maintains the collections in Vancouver as well as locations outside Vancouver. Staff is also responsible for the processing and posting of the judgments of the Court of Appeal and the Supreme Court on the courts' websites. Last year 315 Civil, 216 Criminal and 42 Family cases were processed and posted on the Court of Appeal's website.

The judicial members of the Committee express their thanks to staff for their work over the past year.

PRO BONO COMMITTEE

The *Pro Bono* Committee was absorbed by the Access to Justice Committee in 2013. The Court however would like to continue thanking those lawyers who have generously given of their time to assist litigants in the Court of Appeal.

ACCESS PRO BONO

The Court continued to involve Access Pro Bono in addressing the needs of self-represented litigants. Access Pro Bono is an organization where pro bono lawyers provide free legal advice and representation to low- and modest-income individuals on a wide range of legal issues, including family, immigration, criminal, and civil law (such as debt, employment, welfare, and housing). Access Pro Bono offers the following programs and projects:

- 105 legal advice clinics in community centres, churches, social agencies and courthouses across B.C., and serving remote communities by televideo;
- a province-wide Roster Program that matches pro bono lawyers with individuals and non-profit organizations of limited means for the purpose of representation in six areas (B.C. Court of Appeal Program, Judicial Review Program, Federal Court Program, Wills & Estates Program, Family Law Program and Solicitors' Program);
- a superior court Civil Chambers Duty Counsel Program in the Vancouver courthouse;
- a Wills Clinic Project in Vancouver; and
- a Children's Lawyer Program in Nanaimo and Victoria.

The lawyers in the Roster Program who provided pro bono services on Court of Appeal cases in 2013 are:

Jonathan M. Aiyadurai	Georgiale A. Lang	Richard C.C. Peck, Q.C.
Alexandre J. Blondin	James. C. MacInnis	Michelle A. Quigg
Melina L. Buckley	Jamie F. Maclaren	Darrell W. Roberts, Q.C.
Simon R. Coval	Francesca V. Marzari	Priyan M.B. Samarakoone
Kasari Govender	Sharon Matthews, Q.C.	Maria N. Sokolova
Angus M. Gunn, Q.C.	Warren Milman	Jonah Spiegelman
David A. Hainey	Kevin Nakanishi	Jerry R. Steele
R. Christopher Holmes	Tony C. Paisana	H. Lance William
Claire E. Hunter	Ryan W. Parsons	

The Court of Appeal Roster Program coordinators also put in many volunteer hours reviewing cases for merit. These coordinators are Angus Gunn, Q.C. and Simon R. Coval (civil), Richard C.C. Peck, Q.C. (criminal) and Georgiale A. Lang (family).

The services of all these lawyers, without fee, are of great assistance to the Court, and are very much appreciated.

MEMBERS OF THE B.C. COURT OF APPEAL

CHIEF JUSTICE

Chief Justice Lance S. G. Finch

- May 5, 1983 (Supreme Court)
- May 28, 1993 (Court of Appeal)
- June 6, 2001 (Chief Justice of British Columbia)
- June 16, 2013 (Retired)

Chief Justice Robert James Bauman

- June 20, 1996 (Supreme Court)
- February 20, 2008 (Court of Appeal)
- September 9, 2009 (Chief Justice Supreme Court)
- June 16, 2013 (Chief Justice of British Columbia)

JUSTICES OF THE COURT OF APPEAL

Madam Justice Jo-Ann E. Prowse

- January 1, 1987 (County Court)
- September 8, 1988 (Supreme Court)
- June 24, 1992 (Court of Appeal)
- March 1, 2008 (Supernumerary)
- September 15, 2013 (Retired)

Madam Justice Catherine A. Ryan

- May 26, 1987 (County Court)
- July 1, 1990 (Supreme Court)
- January 28, 1994 (Court of Appeal)
- January 1, 2008 (Supernumerary)
- August 31, 2013 (Retired)

Mr. Justice Ian T. Donald

- June 30, 1989 (Supreme Court)
- January 28, 1994 (Court of Appeal)
- January 1, 2008 (Supernumerary)

Madam Justice Mary V. Newbury

- July 9, 1991 (Supreme Court)
- September 26, 1995 (Court of Appeal)

Mr. Justice John E. Hall

- July 11, 1991 (Supreme Court)
- December 19, 1996 (Court of Appeal)
- August 1, 2006 (Supernumerary)

Madam Justice Mary E. Saunders

- December 23, 1991 (Supreme Court)
- July 2, 1999 (Court of Appeal)

Mr. Justice Richard T. A. Low

- March 31, 1977 (County Court)
- July 1, 1990 (Supreme Court)
- July 28, 2000 (Court of Appeal)
- April 1, 2008 (Supernumerary)

Madam Justice Risa E. Levine

- September 26, 1995 (Supreme Court)
- February 6, 2001 (Court of Appeal)
- January 1, 2012 (Supernumerary)

Mr. Justice Peter D. Lowry

- October 11, 1991 (Supreme Court)
- June 30, 2003 (Court of Appeal)
- January 1, 2011 (Supernumerary)

Madam Justice Pamela A. Kirkpatrick

- November 20, 1989 (Supreme Court Master)
- November 27, 1992 (Supreme Court)
- June 2, 2005 (Court of Appeal)
- January 1, 2012 (Supernumerary)

Mr. Justice Edward C. Chiasson

- September 14, 2006 (Court of Appeal)

Mr. Justice S. David Frankel

- March 2, 2007 (Supreme Court)
- May 10, 2007 (Court of Appeal)

Mr. Justice David F. Tysoe

- June 24, 1992 (Supreme Court)
- June 22, 2007 (Court of Appeal)
- January 1, 2012 (Supernumerary)

Madam Justice Daphne M. Smith

- December 19, 1996 (Supreme Court)
- May 8, 2008 (Court of Appeal)

Madam Justice Kathryn E. Neilson

- July 1, 1999 (Supreme Court)
- May 8, 2008 (Court of Appeal)

Mr. Justice Harvey M. Groberman

- December 14, 2001 (Supreme Court)
- May 8, 2008 (Court of Appeal)

Madam Justice Elizabeth A. Bennett

- August 27, 1997 (Supreme Court)
- May 14, 2009 (Court of Appeal)

Madam Justice Nicole J. Garson

- March 21, 2001 (Supreme Court)
- May 14, 2009 (Court of Appeal)

Mr. Justice Christopher E. Hinkson

- March 2, 2007 (Supreme Court)
- March 19, 2010 (Court of Appeal)
- November 7, 2013 (Chief Justice Supreme Court)

Madam Justice Anne W. MacKenzie

- July 5, 1990 (Provincial Court)
- June 20, 1996 (Supreme Court)
- April 23, 2010 (Associate Chief Justice Supreme Court)
- December 31, 2011 (Court of Appeal)

Mr. Justice David C. Harris

- March 19, 2010 (Supreme Court)
- April 10, 2012 (Court of Appeal)

Madam Justice Sunni Stromberg-Stein

- December 4, 1989 (Provincial Court)
- February 16, 1996 (Supreme Court)
- June 7, 2013 (Court of Appeal)

Mr. Justice Peter M. Willcock

- June 19, 2009 (Supreme Court)
- June 7, 2013 (Court of Appeal)

Mr. Justice Richard B.T. Goepel

- September 27, 2001 (Supreme Court)
- November 7, 2013 (Court of Appeal)

THE COURT'S COMPLEMENT

During 2012 there were three vacancies in the Court arising from the election to supernumerary status of three justices. Two of those vacancies remained at the beginning of 2013. The vacancies were filled on June 7, 2013 by Madam Justice Sunni Stromberg-Stein and Mr. Justice Peter M. Willcock.

In addition, Chief Justice Finch, who had been Chief Justice since 2001, retired in June 2013. His replacement, Supreme Court Chief Justice Bauman, was appointed Chief Justice of British Columbia and Chief Justice of the Court of Appeal of Yukon on June 16, 2013.

To replace Chief Justice Bauman's vacancy in the Supreme Court, Court of Appeal Justice Christopher E. Hinkson was appointed Chief Justice of the Supreme Court on November 7, 2013, leaving the Court of Appeal with another vacancy, which was immediately filled with the appointment of Mr. Justice Richard Goepel. The Court of Appeal ended 2013 with a full complement of justices.

In addition, there were two retirements: Madam Justice Ryan in August and Madam Justice Prowse in September.

Chief Justice Bauman

Chief Justice Bauman was appointed Chief Justice of the Supreme Court of British Columbia in September 2009. He was appointed a judge of the Supreme Court of British Columbia in 1996 and a judge of the Court of Appeal of British Columbia in 2008.

In 2012, Chief Justice Bauman was awarded The Anthony P. Pantages, Q.C. Medal by the Justice Institute of British Columbia and in 2013, he received the 2013 Bench Award from the Trial Lawyers' Association of British Columbia. Prior to that, Chief Justice Bauman had been a member of the Provincial Attorney General Rules Committee and Chair of the Supreme Court Civil Law Committee.

Chief Justice Bauman completed a Bachelor of Arts from the University of Western Ontario in 1971 and a Bachelor of Laws from the University of Toronto in 1974. He was called to the Bar of British Columbia in 1975. Prior to his appointment to the Supreme Court of British Columbia, he practiced with Bull, Housser & Tupper in Vancouver from 1982 to 1996, with Wilson, Bauman in Kelowna from 1977 to 1981 and with Wilson, King & Co. in Prince George from 1974 to 1977.

Madam Justice Stromberg-Stein

Madam Justice Stromberg-Stein, a judge of the Supreme Court of British Columbia, was appointed a judge of the Court of Appeal for British Columbia and a judge of the Court of Appeal of Yukon, to replace Madam Justice P. Kirkpatrick, who elected to become a supernumerary judge as of January 1, 2012. Her appointment date was June 7, 2013.

Madam Justice Stromberg-Stein has been a judge of the Supreme Court of British Columbia since 1996. Prior to that, she served as a judge of the Provincial Court of British Columbia from 1989 to 1996, where she sat in the Criminal Division.

Madam Justice Stromberg-Stein completed a Bachelor of Laws from Osgoode Hall Law School in 1975 and was admitted to the Bar of British Columbia in 1976. From 1976 to 1989, she served as a Crown prosecutor for the Attorney General of British Columbia.

Mr. Justice Willcock

Mr. Justice Peter M. Willcock, a judge of the Supreme Court of British Columbia, was appointed a judge of the Court of Appeal for British Columbia and a judge of the Court of Appeal of Yukon, to replace Madam Justice R. E. Levine, who elected to become a supernumerary judge as of January 8, 2012. His appointment date was June 7, 2013.

Mr. Justice Willcock was appointed to the Supreme Court of British Columbia in 2009. He completed a Bachelor of Arts from McGill University in 1979, a Bachelor of Laws from Dalhousie University in 1982 and a Master of Arts in Liberal Studies from Simon Fraser University in 2002. He was called to the Bar of British Columbia in 1983.

Mr. Justice Willcock was an associate with Harper Grey LLP from 1983 to 1990 and a partner from 1990 to 2009. His main areas of practice were administrative law, constitutional law, commercial law and insurance law.

Mr. Justice Willcock was actively involved in the Continuing Legal Education Society of British Columbia, acting as a Director and a member of the Executive and the Finance Committees. He was also a frequent guest lecturer.

Mr. Justice Goepel

Mr. Justice Richard B.T. Goepel, a judge of the Supreme Court of British Columbia, was appointed a judge of the Court of Appeal of British Columbia to replace Mr. Justice C.E. Hinkson, who has been appointed Chief Justice of the Supreme Court of British Columbia. His appointment date was November 7, 2013.

Mr. Justice Goepel was appointed to the Supreme Court of British Columbia in 2001. He obtained a Bachelor of Laws from the University of British Columbia in 1973 and was admitted to the Bar of British Columbia in 1974. He was appointed Queen's Counsel in 1999.

Prior to his appointment, he practised with Watson Goepel Maledy and predecessor firms in Vancouver. His practice focus was on commercial litigation and insurance law.

Madam Justice Prowse

Madam Justice Jo-Ann Prowse was appointed to the Court of Appeal June 24, 1992. She retired from the Court in September, 2013. Prior to her appointment in the Court of Appeal, Madam Justice Prowse was a judge of the County Court from 1986 to 1988, when she was appointed to the Supreme Court.

Madam Justice Prowse graduated from the University of Alberta and went on to attend UBC Law School where she graduated in 1974. She articulated at Russell & DuMoulin and was an associate for six months before opening a private practice in Gastown with two of her law school classmates. Madam Justice Prowse also served two terms as a Bencher of the Law Society.

Madam Justice Ryan

Madam Justice Catherine A. Ryan was appointed to the Court of Appeal in January, 1994. She retired from the Court in August, 2013. Madam Justice Ryan was appointed to the County Court in June, 1987 and became a justice of the Supreme Court when the two courts merged in July, 1990.

Prior to her appointment to the County Court, Madam Justice Ryan was Crown Counsel in the Ministry of the Attorney General for British Columbia. As Crown, she practised exclusively in the British Columbia Court of Appeal and Supreme Court of Canada for seven years. She was a bencher of the Law Society in 1987 prior to her appointment to the bench. She was a frequent lecturer for the Continuing Legal Education Society of British Columbia.

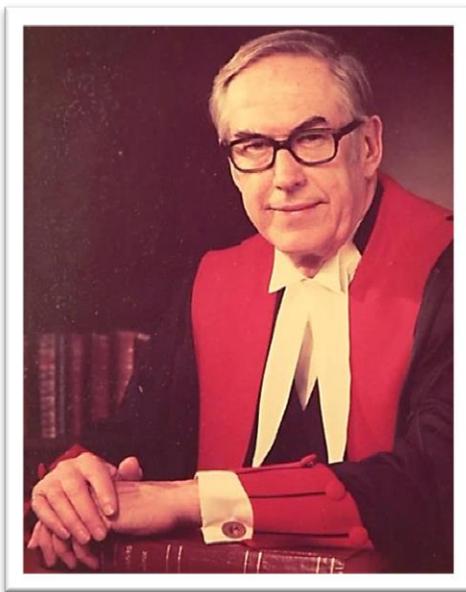
Madam Justice Ryan attended the University of British Columbia for undergraduate studies as well as law. She graduated from law school in 1975 and articulated with Boughton and Company before moving to the Ministry of the Attorney General.

IN MEMORIAM

The Honourable Wilfred John Wallace - Court of Appeal 1986-1993

On February 12, 2013, the Honourable W.J. Wallace (“Bae”) passed away in his 94th year.

He was born in North Bay, Ontario in 1918, the youngest of six children. After a brief career in engineering (B.Sc. 1942) he served in the Royal Canadian Navy as an engineering officer aboard the HMCS Prince Robert in the Pacific Northwest, the Aleutians, and in Europe from 1942 to 1945. Shortly after the war he encountered the two loves of his life: Miriam McCaffrey of Agassiz, B.C., (deceased 2006) and the law. He married in 1944 and he graduated from Osgoode in 1947. They moved to Vancouver that same year and he joined Bull, Housser & Tupper where he was to practice for the next 30 years. Litigation was his passion and he always relished



working with a team of colleagues and friends on such landmark cases as B.C. Hydro's WAC Bennett Dam and the Commission of Enquiry into the collapse of the Second Narrows Ironworkers' Memorial Bridge.

In 1979 he was appointed to the Supreme Court of British Columbia, and in 1986 to the B.C. Court of Appeal. On leaving the bench (after reaching the mandatory retirement age of 75) in July 1993, he returned to Bull, Housser as Associate Counsel practicing mediation and arbitration for another 10 years. Throughout his life he served in many more roles: Bencher, school board member, college board member, Pension Appeal Board member and Fairness Commissioner.

He is survived by his four children, four grandchildren (and their spouses) and four great-grandchildren.

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Timothy Outerbridge	Legal Counsel
Linda Rainaldi	Legal Counsel
Maria Littlejohn	Associate/Deputy Registrar
Vicki Jang	Manager/Deputy Registrar
Alix Going	Judicial Coordinator to Chief Justice Finch (to June, 2013) Administrative Associate (from June, 2013)
Gail Woods	Judicial Coordinator to Chief Justice Bauman
Christine Gergich	Supervisor and Appellate Court Records Officer
Wayne Ziants	Records Technician

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David Chow	Help Desk Lead Technician
Andre Drewitt	Help Desk Lead Technician
Eddie Chan	Help Desk Technician
Michael Le	Help Desk Technician
William Huang	Help Desk Technician
Jimmy Wu	Help Desk Technician

Appendix 1
Civil Statistics 2002-2013

	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
APPEALS FILED:												
Notice of Appeal	582	532	468	550	494	498	530	538	519	480	497	587
Leave to Appeal	236	204	171	154	170	144	172	175	131	114	122	100
Notice of Appeal and Leave			54	69	76	55	59	65	55	55	44	28
TOTAL FILED	818	736	693	773	740	697	761	778	705	649	663	715
COURT DISPOSITIONS:												
Appeals Allowed	137	121	112	137	108	117	100	135	130	116	119	101
Appeals Allowed %	42%	38%	40%	46%	38%	42%	42%	43%	45%	42%	49%	37%
Appeals Dismissed	189	199	168	160	174	164	138	180	159	159	125	169
Appeals Dismissed %	58%	62%	60%	54%	62%	58%	58%	57%	55%	58%	51%	63%
TOTAL COURT DISPOSITIONS	326	320	280	297	282	281	238	315	289	275	244	270
Appeals Concluded in Chambers or Abandoned	492	455	498	492	419	455	449	441	419	436	414	379
TOTAL DISPOSITIONS	818	775	778	789	701	736	687	756	708	711	658	649
Dispositions as % of Filings	100%	105%	112%	102%	95%	106%	90%	97%	100%	110%	100%	91%
Judgments Reserved (Court)	193	181	210	197	221	197	192	245	233	241	176	201
Judgments Reserved (Cham)	n/a	n/a	99	66	79	88	87	63	62	83	80	70
Appeals with 5 Judges	10	16	4	1	1	3	2	7	1	3	2	2
Court Motions: Reviews	17	13	15	13	19	13	14	20	25	28	19	18
Granted	2	7	3	5	5	2	2	4	3	8	3	1
Refused	15	6	12	8	14	11	12	16	22	20	16	17
Chambers Motions	427	451	494	435	426	423	423	539	503	537	533	536
LEAVE TO APPEAL												
Granted	65	56	60	62	66	58	66	65	47	51	37	37
Refused	26	30	56	42	38	42	47	51	30	55	34	24
Total	91	86	116	104	104	100	113	116	77	106	71	61

*Appendix 2
Criminal Statistics 2002-2013*

	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
APPEALS FILED:												
Sentence	133	126	162	176	157	149	163	140	114	109	119	108
Conviction	128	130	137	142	147	116	123	115	99	112	116	117
Summary Conviction	47	33	41	18	15	17	23	12	16	24	14	9
Acquittal & Other	64	57	69	60	50	61	50	44	28	39	40	46
TOTAL FILED	372	346	409	396	369	343	359	311	257	284	289	280
COURT DISPOSITIONS:												
Appeals Allowed	70	72	82	66	76	77	82	69	52	41	35	62
Appeals Allowed %	31%	27%	40%	33%	37%	35%	41%	41%	28%	31%	21%	34%
Appeals Dismissed	159	193	124	132	132	140	120	100	137	91	129	121
Appeals Dismissed %	69%	73%	60%	67%	63%	65%	59%	59%	72%	69%	79%	66%
TOTAL	229	265	206	198	208	217	202	169	189	132	164	183
Summary Dismissals Abandonments in Court/Chambers	137	105	140	161	149	160	139	149	121	99	123	129
TOTAL DISPOSITIONS	366	370	346	359	357	377	341	318	310	231	287	312
Appeals Disposed % of Filings	98%	107%	85%	91%	97%	110%	95%	102%	121%	82%	99%	111%
Appeals Heard by 5 Judges	0	1	0	1	0	0	2	0	1	1	2	0
Judgments Reserved	86	109	84	85	85	81	76	88	88	82	102	97
Judgments Reserved Chambers	n/a	n/a	21	10	10	28	11	11	13	22	28	25
Chambers Motions	230	219	244	275	298	248	242	265	272	210	295	430

*Appendix 3
Total Appeals Filed and Disposed 2002-2013*

	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
APPEALS FILED:	1190	1082	1102	1169	1109	1040	1120	1089	962	933	952	995
COURT DISPOSITIONS:	555	585	486	495	490	498	440	484	478	407	408	453
Appeals Allowed	207	179	194	203	184	194	182	204	182	157	154	163
Appeals Allowed %	37%	32%	40%	41%	38%	39%	41%	42%	38%	39%	38%	36%
Appeals Dismissed	348	383	292	292	306	304	258	280	296	250	254	290
Appeals Dismissed %	63%	68%	60%	59%	62%	61%	59%	58%	62%	61%	62%	64%
TOTAL	555	562	486	495	490	498	440	484	478	407	408	453
Appeals Concluded in Chambers or Abandoned	629	560	638	653	568	615	588	590	540	535	537	508
TOTAL DISPOSITIONS	1184	1145	1124	1148	1058	1113	1028	1074	1018	942	945	961
Dispositions as % of Filings	99%	106%	102%	98%	95%	107%	92%	99%	106%	101%	99%	97%
Judgments Reserved	279	290	414	358	395	394	366	407	396	426	386	393
Appeals with 5 Judges	10	17	4	2	2	3	4	7	2	4	4	2
Chambers Motions	657	670	738	710	724	671	665	804	775	747	828	966