

ANNUAL REPORT



Court of Appeal for British Columbia
2015

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“Every year the Court of Appeal hears **cases covering any number of areas** of the law.”

MESSAGE FROM CHIEF JUSTICE BAUMAN

When I started out as a lawyer, each file seemed to introduce a new area of the law, a fresh challenge to take on. It took many years before I felt settled into a more defined set of practice areas and many years more to feel I had finally gained expertise in any of them.

It is difficult to say that as an appellate court judge I will ever feel like an “expert”. Every year the Court of Appeal hears cases covering any number of areas of the law. In 2015, the Court decided cases concerning a court’s power to order the sale of someone’s property where the owner is in contempt of court; Aboriginal claims; a worldwide injunction requiring Google to remove certain search engine results; extradition matters in the context of transnational drug smuggling; communication of consent by an Alzheimer’s patient; motor vehicle liability; defamation in the context of a rape allegation; guardianship; rezoning bylaws and development permits; and a myriad of sentencing appeals involving child abduction, sexual assault, stabbing and many other criminal activities. The Court also ruled on several constitutional cases addressing topics such as privacy rights regarding text messages and labour rights.

When I consider this breadth of subject matter, I must extend my appreciation to the judges of the Court of Appeal for their dedication in deciding many difficult legal issues with diligence, fairness and promptness. I am grateful as well to Court staff who apply themselves to supporting the judges in all aspects of our work.

The Court welcomed with enthusiasm the appointment of three new judges in 2015: Madam Justice Lauri Ann Fenlon, Madam Justice Gail M. Dickson and Mr. Justice Gregory James Fitch. These appointments brought the Court up to full complement for a small portion of the year. By the end of 2015, however, the Court again fell below the full complement mark with the retirement of Mr. Justice Edward C. Chiasson. The Court will greatly miss the dedication and intelligence Judge Chiasson brought to his work at the Court, and we wish him all the best on his retirement.

Under the leadership of Madam Justice Garson, Registrar Timothy Outerbridge and the Rules Committee, the Court continues its work on reforming the civil rules. The aim is to make the process of bringing and responding to an appeal simpler and more affordable for litigants. I would like to express my thanks to those lawyers and members of the public who continue to take the time to participate in the Court’s consultation process. We know your time is valuable and sincerely appreciate your input.

The volume of appeals in the Court has remained somewhat consistent for the past five years, with a slight decrease in 2015 filings for both civil and criminal matters. For civil appeals, 2015 saw a decline in



The year 2015 marked the 800th anniversary of the Magna Carta. It is remarkable **that over eight centuries** this document has endured as a symbol of fundamental rights and freedoms.

the proportion of civil procedure cases, motor vehicle cases, constitutional and administrative law cases and real property cases, while the proportion of family law cases has increased. On the criminal side, the Court experienced an increase in cases involving sexual offences in 2015 and a decrease in cases involving other types of assaults and murder.

The Court's chambers workload continues to be among the heaviest in the country proportional to appeals filed annually. On the civil side, our Court hears a very high volume of chambers applications proportionally, second only to the Federal Court of Appeal.

A statistic that raises serious concerns is the rate of self-represented litigants – a number which remains high, but has risen again this year in family law appeals. I take some comfort from the creation of [Access to Justice BC](#), which is a new organization committed to action that will improve the civil justice system in British Columbia, beginning with family justice. As the chair of Access to Justice BC, I will be working with leaders and community members from inside and beyond the justice system to seek solutions that will assist litigants in receiving the full benefit of the law.

The Court has a number of valued relationships. I wish to acknowledge Chief Justice Hinkson, Associate Chief Justice Cullen and Chief Judge Crabtree, together with whom I am able to work in a collegial and engaged manner to address the challenges faced by the courts. I also acknowledge the Honourable Suzanne Anton, Q.C., Attorney General and Richard Fyfe, Q.C., Deputy Attorney General and their team. Our quarterly meetings and participation in justice initiatives continue to foster a respectful and positive relationship. Finally, I look forward to working with Canada's new Minister of Justice and Attorney General, the Honourable Jody Wilson-Raybould.

On a final note, the year 2015 marked the 800th anniversary of the Magna Carta. It is remarkable that over eight centuries this document has endured as a symbol of fundamental rights and freedoms. Principles from the "Great Charter", such as the right to a fair trial and the rule of law, continue to be invoked in our Court and around the world.



REGISTRAR'S REPORT

THE COURT'S ACTIVITY

The Court saw a moderate decrease in new appeals filed in 2015. There were 940 new appeals filed, down from the 1029 new appeals filed in 2014. Detailed statistics for criminal and civil caseloads for the last thirteen years can be found [in the three appendices](#) at the end of this annual report.

In 2015, the Court delivered written reserve judgments in 313 appeals and pronounced judgment with oral reasons in a further 93 appeals. In chambers, the Court gave reserve judgments in approximately 70 civil motions and eight criminal motions.

SITTINGS OF THE COURT

To hear an appeal, the Court sits a minimum of three judges, known as a "division." The Court sat a total of 85 divisions in 2015, one less than in 2014. Including the two summer weeks, division one sat for 40 weeks, division two sat for 36 weeks, and division three sat for three weeks. The Court sat for six weeks in Victoria. In addition to the 85 divisions sat, the Court sat for eight days in the Yukon as the Yukon Court of Appeal, one day in Kamloops, and three days in Kelowna.

CRIMINAL SENTENCE APPEALS

In 2015, fewer criminal sentence appeals were filed, which may reflect a decrease in the number of appeals arising from the Supreme Court of Canada decision in *R v. Summers, 2014 SCC 26*, a case giving rise to many appeals seeking a recalculation of inmates' custodial time. *Summers* appeals caused an increase in the number of sentence appeals in 2014, but the trend has abated in 2015.

In 2015, 52 appeals were filed where the grounds of appeal involved *Summers* adjustments, down from 78 last year. There were approximately 72 decisions involving *Summers* factors pronounced by the Court, the vast majority of which were allowed, often with the consent of the Crown. The proportion of criminal appeals allowed by the Court in 2015 remains in the higher range at 44%, likely due to many of these appeals being allowed by consent.

ENHANCEMENTS TO SERVICES FOR SELF-REPRESENTED LITIGANTS

In 2015, the Court developed the following projects to enhance the service it provides to self-represented litigants:

“
In 2015, there were **940 new appeals filed**, down from 1029 new appeals filed in 2014.”



In 2015, the Court began to work with Access Pro Bono to **simplify referrals and ease prerequisites** for certain categories of litigants applying for help.

- ✓ **Fillable Forms:** The Court enhanced its fillable forms by including a set of directions for self-represented litigants on how to fill out basic forms.
- ✓ **Templates:** The Court created a factum template, which includes a set of instructions for litigants to create a factum and automatically sets the correct margin, font, and other stylistic requirements. A similar set of templates for certain criminal matters is planned for 2016.
- ✓ **Updates to www.courtofappealbc.ca:** The Court continued, through its relationship with the Justice Education Society, to maintain and enhance the Court's dedicated self-help website.
- ✓ **Justice Access Centre:** The [Justice Access Centre](#) (JACS) is a government service that provides self-help and information services for those who are self-represented. Beginning in July, the Court began a six-month pilot project with JACS for the referral of litigants in civil appeals. The JACS service center is conveniently located just below the Court of Appeal registry.
- ✓ **Amici Curiae Paralegal Program:** Through the JACS, the Court began to refer litigants to a clinic run by paralegals on Wednesday evenings for proper filling out of forms and assembly of books.
- ✓ **Access Pro Bono:** [Access Pro Bono](#) provides pro bono representation services for those who qualify. In 2015, the Court began to work with Access Pro Bono to simplify referrals and ease prerequisites for certain categories of litigants applying for help.

The Court is thankful for the assistance of the various organizations and individuals listed above, who are providing valuable and much-needed help to those who may be less able to afford access to an appeal of their case.

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, the judiciary, 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 2015, justices of the Court participated in activities with the following bodies:

- ✓ The Canadian Judicial Council
- ✓ The Vancouver Foundation
- ✓ The British Columbia Law Institute
- ✓ The Canadian Institute for Administration of Justice
- ✓ The Woodward Foundation



Appeal court records are of legal and historical significance and retained permanently for the citizens of this province.

- ✓ The University of British Columbia Peter A. Allard School of Law
- ✓ The University of Victoria Faculty of Law
- ✓ Thompson Rivers University Faculty of Law
- ✓ Simon Fraser University
- ✓ Various moot court competitions
- ✓ The Appellate Advocacy Section of the Canadian Bar Association
- ✓ Canadian Superior Court Judges' Association
- ✓ The Continuing Legal Education Society of British Columbia
- ✓ British Columbia Rhodes Scholarship Selection Committee
- ✓ The National Judicial Institute
- ✓ Provincial Court of British Columbia Judges' Conference
- ✓ Justice Education Society
- ✓ International Commission of Jurists
- ✓ The Commissioner for Federal Judicial Affairs
- ✓ International Society for the Reform of Criminal Law
- ✓ Lawyer's Inn Program
- ✓ American College of Trial Lawyers
- ✓ Association des Juristes d'expression Française de Colombie-Britannique
- ✓ The Ride to Conquer Cancer
- ✓ The Federation of Law Societies National Criminal Law Program
- ✓ The National Center for State Courts (Technology)
- ✓ CBA BC Law Week
- ✓ Scouts Canada
- ✓ Access to Justice BC
- ✓ The Law Society of British Columbia
- ✓ BC Civil Liberties Association

RECORDS AND INFORMATION MANAGEMENT

The Court supports a records and information management program based on sound policies and best practices for records management. Appeal court records are of legal and historical significance and retained permanently for the citizens of this province. The Court invoiced 116 records requests for documents such as factums and appeal records in 2015.



The Court developed and implemented factum templates and a checklist launched on the website to **reduce the number of rejected factums** and to promote the creation of correctly formatted digital versions.

The Court's Records Officer develops, delivers and maintains a records and information management program for the Court of Appeal. The Records Officer also supervises the Records Technician and the Usher team. The Records Technician manages the daily receipt, processing, organization, delivery, storage and disposition of Court of Appeal court records (appeal books, appeal records, factums, and transcripts) (the "books") throughout the hearing process. Registry staff with Court Services Branch manages the case files (initiating records, motion materials, correspondence, etc.) separately from the books. The Usher team manages the daily processing, organization, photocopying and distribution of files, mail, and court records.

The Records Officer in consultation with the Registrar and Director of Human Resources develops annual priorities for the Court of Appeal records and information management program. These are some of the highlights and accomplishments in 2015:

- ✓ The Court developed and implemented factum templates and a checklist launched on the website to reduce the number of rejected factums and to promote the creation of correctly formatted digital versions. The checklist links all the format and filing requirements for paper and electronic factums from the Court of Appeal Rules and practice directives in one document.
- ✓ The appealrecords@courts.gov.bc.ca e-mail account was monitored daily so that the Court can make records available quickly following the payment of fees and provided there are no access restrictions.
- ✓ The Court began a review of procedures to ensure paper and electronic sealed records are managed appropriately by staff according to legislative, court order, or court policy requirements.
- ✓ The Court created a fillable form to provide an efficient method of requesting audio of Court of Appeal proceedings (excluding oral judgments) from the Registry. This was complemented by a checklist for those seeking to obtain transcripts of Court of Appeal proceedings.

“
In 2015, the
Court disposed
of **620**
appeals, or
96% of the
644 civil
appeals filed.”

STATISTICS

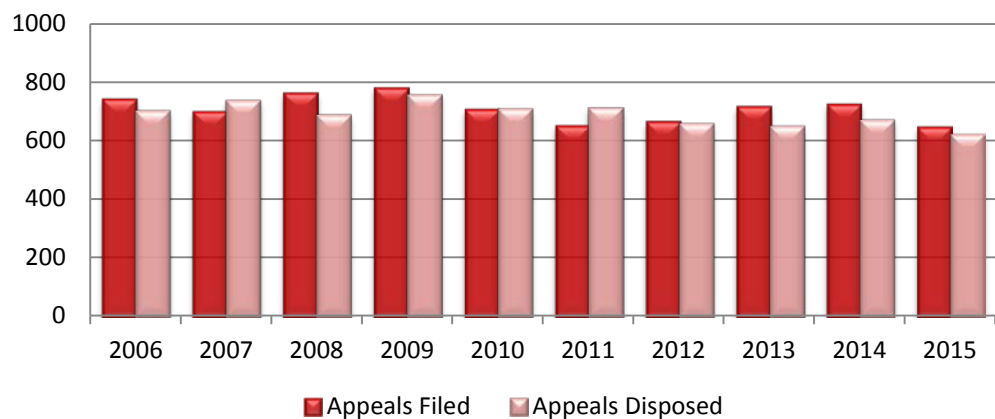
The charts below give a detailed account of the Court’s activity in 2015. The [three appendices](#) at the end of this report provide a detailed historical account of criminal and civil statistics over the last thirteen years.

CIVIL APPEALS FILED AND DISPOSED

The chart below shows the number of civil appeals filed and disposed from 2006 to 2015. Since 2011, the number of civil appeals filed has been slowly rising until the drop this year.

The Court measures the number of civil appeals disposed of as a percentage of the total number of civil appeals filed in a given year. In 2015, the Court disposed of 620 appeals, or 96% of the 644 civil appeals filed. For greater clarity, an appeal that is “disposed” or “disposed of” means that it has been dismissed, allowed, or abandoned and is no longer on the Court’s docket. Though not a complete measure of the Court’s workload, the purpose of this chart is to show how the Court is keeping up with the cases filed by looking at filings as “inputs” and disposed appeals as “outputs.”

Civil Appeals Filed and Disposed 2006 - 2015

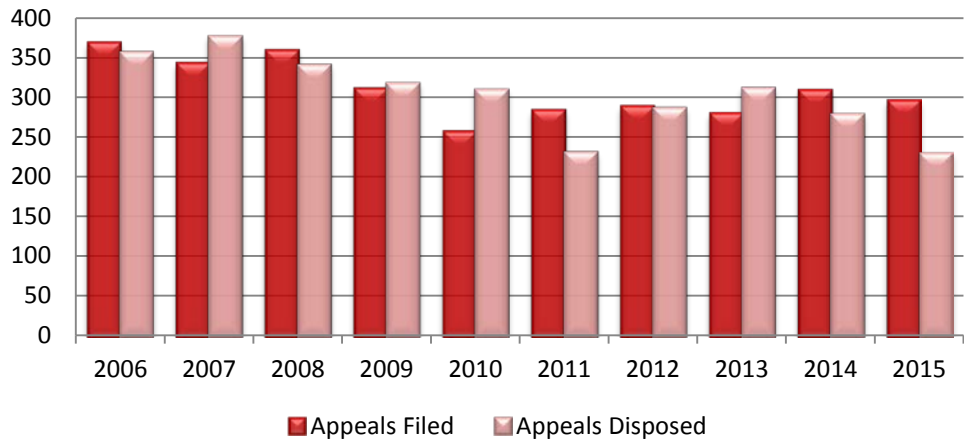


CRIMINAL APPEALS FILED AND DISPOSED

There was a slight decrease in criminal filings this year, down from 309 in 2014 to 296 in 2015. In 2015, the Court disposed of 230 appeals, or 78% of the 296 filed.

“The Court heard a total of **73** leave to appeal applications in 2015, granting 50, or 68%.”

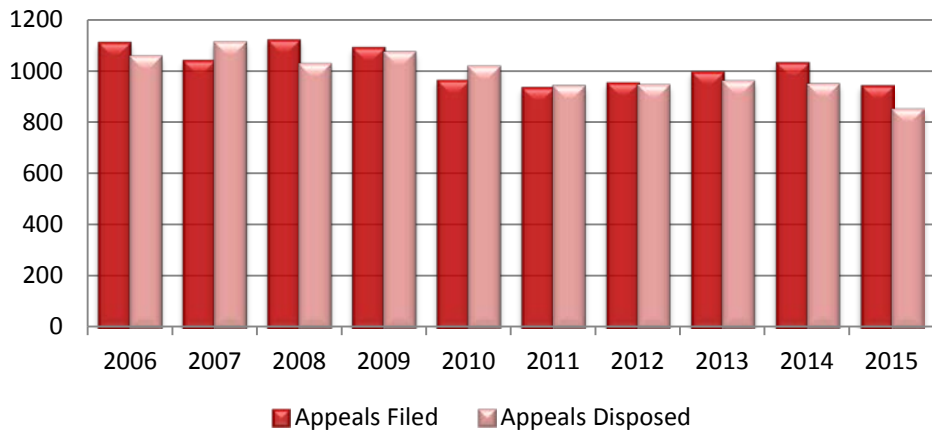
Criminal Appeals Filed and Disposed 2006 - 2015



TOTAL APPEALS FILED AND DISPOSED

For a more complete picture of total activity, the chart below combines the civil and criminal filings and dispositions. The number of filings remained slightly higher than the number of dispositions. Overall, the Court disposed of 850 appeals in 2015. Given there were 940 appeals filed, 90% of appeals were disposed as a percentage of filings.

Total Appeals Filed and Disposed 2006 – 2015

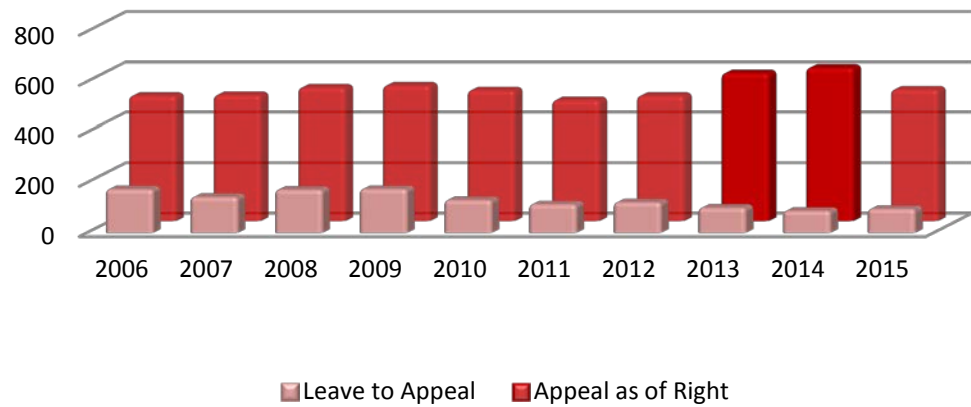


TYPES OF CIVIL APPEALS FILED

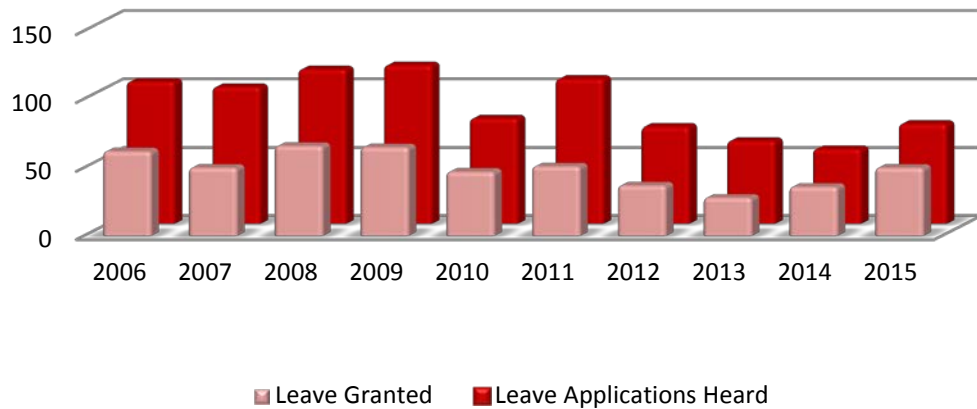
Of the civil appeals filed in 2015, 16% (96 of 618) were by applications for leave to appeal. “Leave to appeal” is a process where litigants must get permission to bring an appeal to the Court. The Court heard a total of 73 leave to appeal applications in 2015, granting 50, or 68%. Neither of these statistics

includes the 26 instances in 2015 when a litigant was uncertain whether leave was required. The first chart below shows appeals filed as of right versus those filed seeking leave. The second chart shows the number of applications for leave to appeal heard versus the number of those applications that were granted.

Filed as of Right vs. Filed Seeking Leave



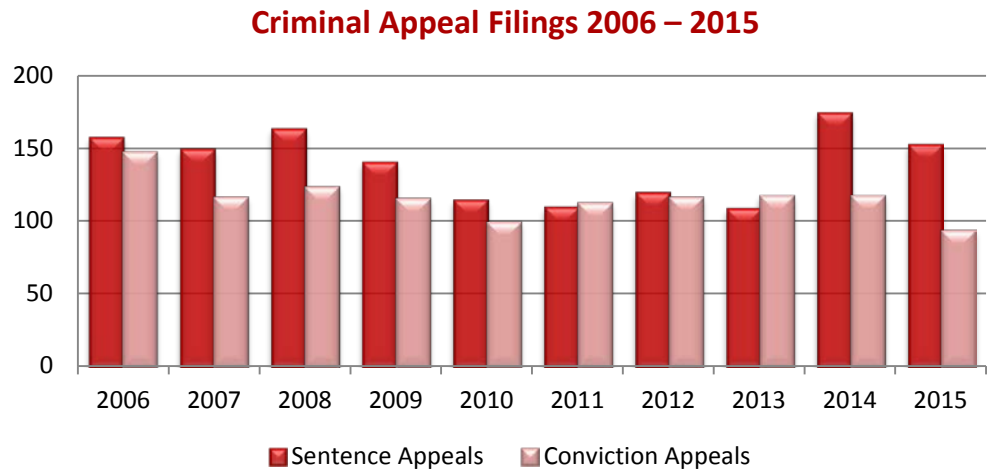
Leave to Appeal Applications Heard vs. Granted



“ In 2015, approximately **63% of civil appeals were from chambers matters and summary trials.**

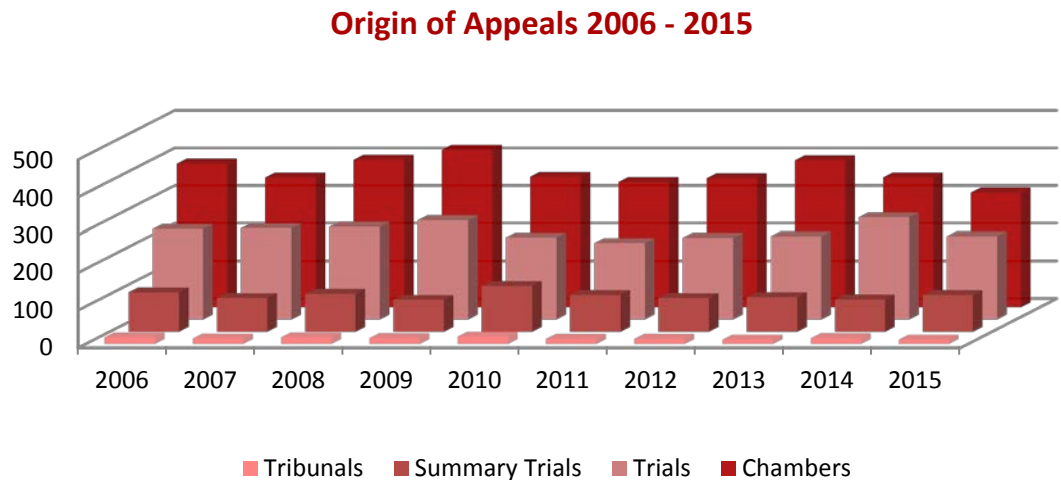
TYPES OF CRIMINAL APPEALS FILED

In criminal matters, appeals from convictions and acquittals take up most of the Court’s hearing time, with sentence appeals and summary conviction appeals requiring less time. The chart below gives a comparison of criminal appeals filed between 2006 and 2015.



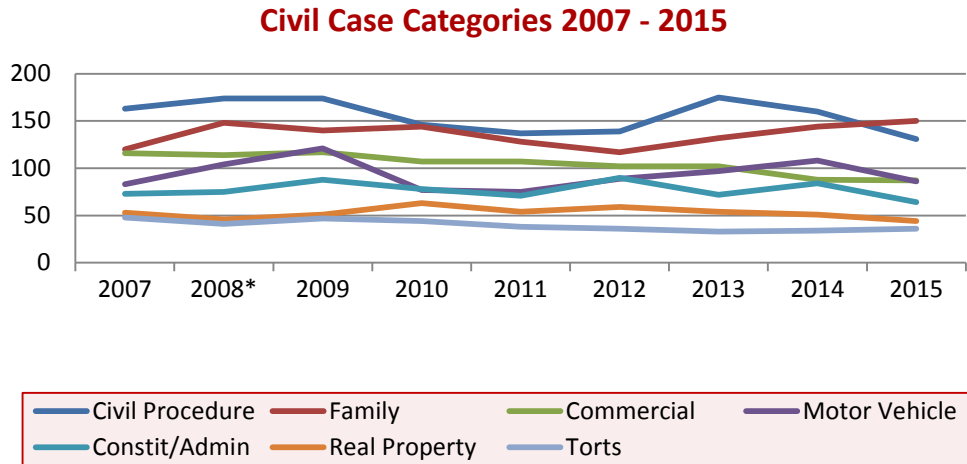
ORIGIN OF CIVIL APPEALS

In most cases, the Court is able to measure the type of proceeding giving rise to an appeal. As in years past, figures show there were more appeals from Supreme Court of British Columbia chambers matters and summary trials combined than appeals from trials in that Court. The chart below shows the types of appeals according to the underlying proceeding. In 2015, approximately 63% of civil appeals were from chambers matters and summary trials.



CIVIL CASE CATEGORIES

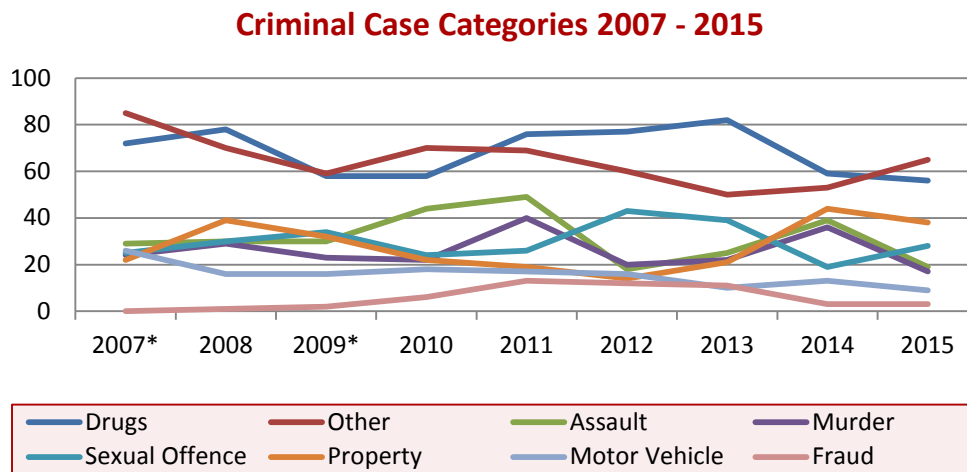
When a civil case is filed with the Court, litigants provide the subject of the appeal in the document initiating their appeal. The chart below shows the top seven categories of cases filed between 2007 and 2015 by number of cases.



* Correction made

CRIMINAL CASE CATEGORIES

The Court also tracks the subject of the various criminal cases. The chart below shows the top eight categories of cases filed between 2007 and 2015 by number of cases. “Other” covers various offences such as arson, mischief, extradition, and *habeas corpus* cases.



* These two years were revised

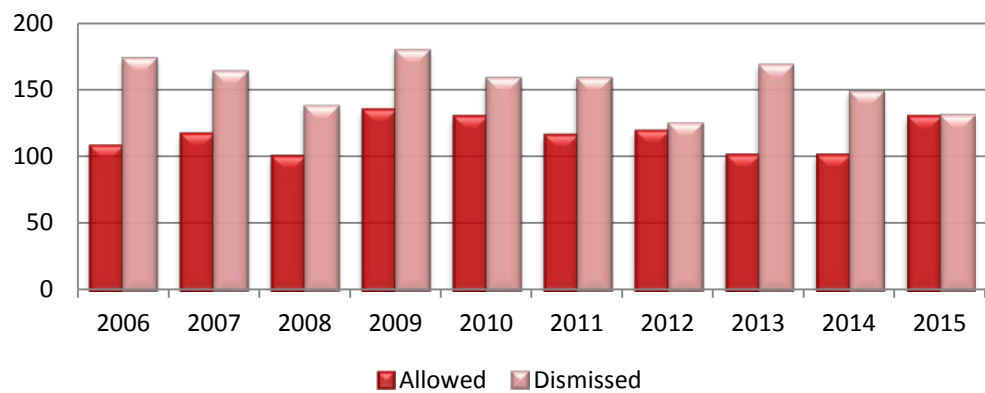
“
In 2015, the
**proportion of
civil appeals
allowed was
50%** of the total
civil appeals
heard.

APPEALS ALLOWED AND DISMISSED

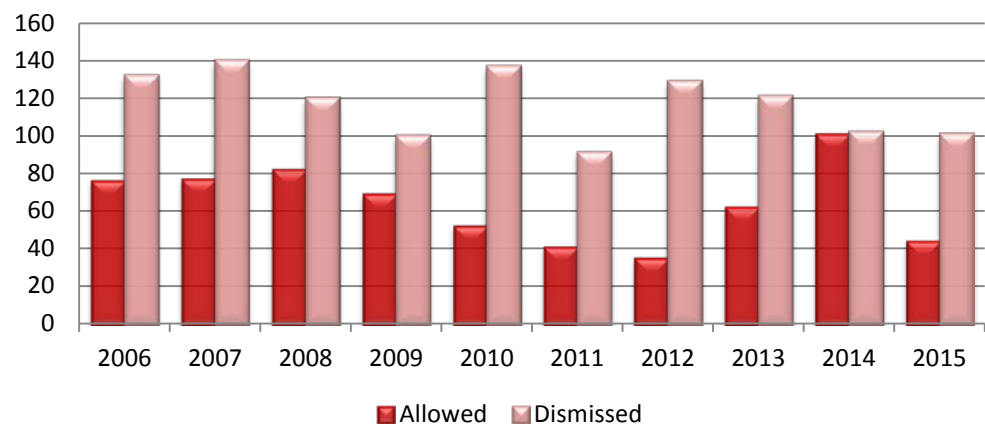
The rate of civil and criminal appeals allowed over the past seven years has varied. In 2015, the proportion of civil appeals allowed was 50% of the total civil appeals heard (130 allowed, 131 dismissed). For criminal appeals, 44% were allowed (44 allowed, 101 dismissed). The “allowed” statistics include appeals partially allowed by any variations in the order under appeal as well as appeals where a new trial is ordered.

The charts below show the number of civil and criminal appeals allowed and dismissed.

Civil Appeals Allowed/Dismissed 2006 – 2015



Criminal Appeals Allowed/Dismissed 2006 – 2015





In 2015, out of 644 civil appeals and applications for leave to appeal filed, **177 cases (27%)** involved a self-represented litigant.

In 2015, **57% of family law appeals** involved a self-represented litigant.

SELF-REPRESENTED LITIGANTS

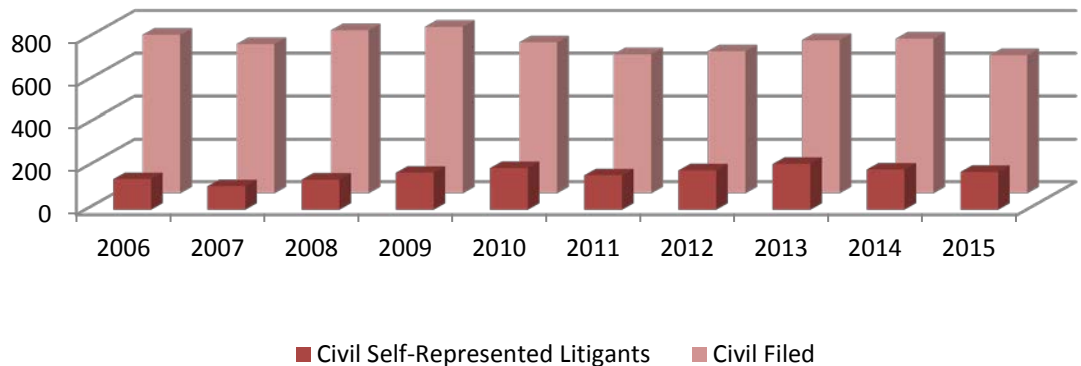
The charts below compare the number of appeals where at least one party was self-represented in a new appeal filed between 2006 and 2015 with the total number of appeals filed in those years.

In 2015, out of 644 civil appeals and applications for leave to appeal filed, 177 appeals (27%) involved a self-represented litigant. This is a slight increase from 2014, where the figure was 26%. Of 261 civil appeals disposed of by the Court in 2015, 42 (16%) involved at least one self-represented litigant. This is a decrease from 2014, where the figure was 21%.

There is a higher prevalence of self-represented litigants in family appeals. In 2015, 57% (28 of 51) of family law appeals heard involved a self-represented litigant. This is a significant increase from 2014, where 44% of family law appeals heard involved a self-represented litigant. In 2013, the figure was 38%.

On the criminal side, there were 296 appeals or applications for leave to appeal filed. Of that total, 41 (14%) were appeals or applications involving at least one self-represented litigant. This is a decrease from 2014, where the figure was 17%. Of the 230 criminal appeals disposed by the Court in 2015, 16 (7%) involved at least one self-represented litigant, an increase from 5% in 2014.

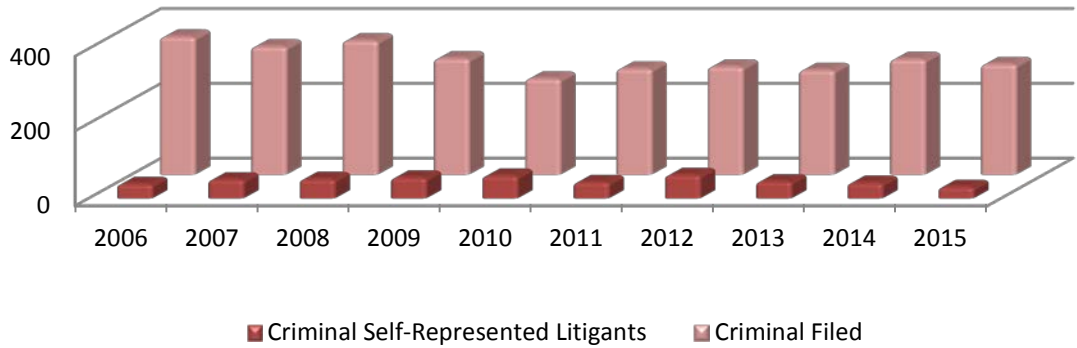
Civil Appeals Filed With a Self-Represented Party/Civil Appeals Filed



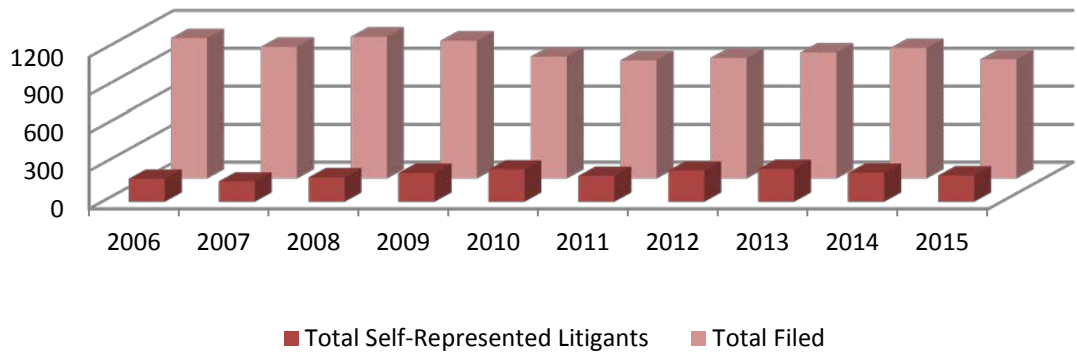


The Court has been monitoring the **number of motions brought** over the last several years, given a general increase since 2012.

Criminal Appeals Filed With a Self-Represented Party/Criminal Appeals Filed



Total Appeals Filed with a Self-Represented Party/Total Appeals Filed



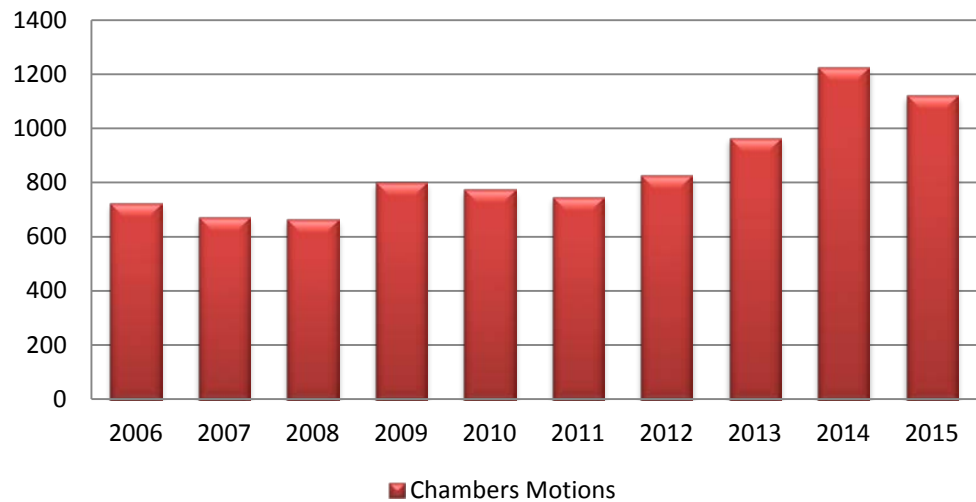
CHAMBERS AND CASE MANAGEMENT

Chambers motions are brought by litigants before a single justice seeking various forms of relief before an appeal is heard. The Court counts each individual motion brought by a litigant, even if multiple motions are brought during the same court hearing.

The Court has been monitoring the number of motions brought over the last several years, given a general increase since 2012. The chart below shows the number of chambers motions brought in both civil and criminal appeals in a given year.

“
In 2015, there were **57 family law files that qualified for case management** and ten were subsequently case managed.

Chambers Motions Criminal and Civil, 2006 - 2015

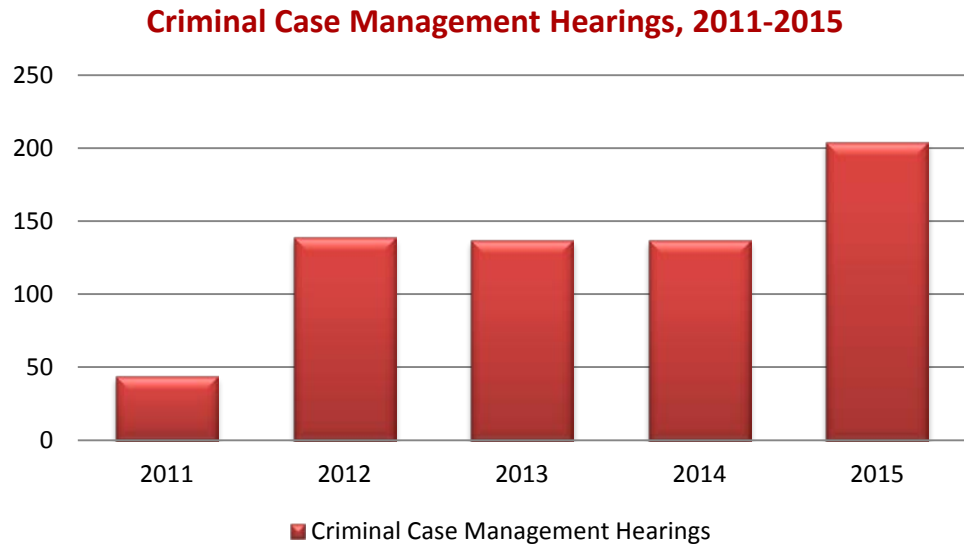


Part of the work in chambers includes the case management of appeals. The Court applies a form of focused case management, only seeking to manage those appeals where deadlines are missed or where the parties request the Court’s assistance.

Civil case management is largely confined to family law cases involving adoption, child support, custody and access, or child protection issues. In 2015, there were 57 family law files that qualified for case management and ten were subsequently case managed.

On the criminal side of the Court’s docket, case management is done more frequently pursuant to [*Criminal Conviction/Acquittal Appeals Timeline*](#) (Criminal Practice Directive, 13 January 2014). The chart below plots the number of criminal case management hearings year-over-year, showing a substantial increase in 2015.

“
In 2015, the Registrar conducted **87** hearings out of a total of **123** scheduled, an increase in scheduled hearings from 2014.



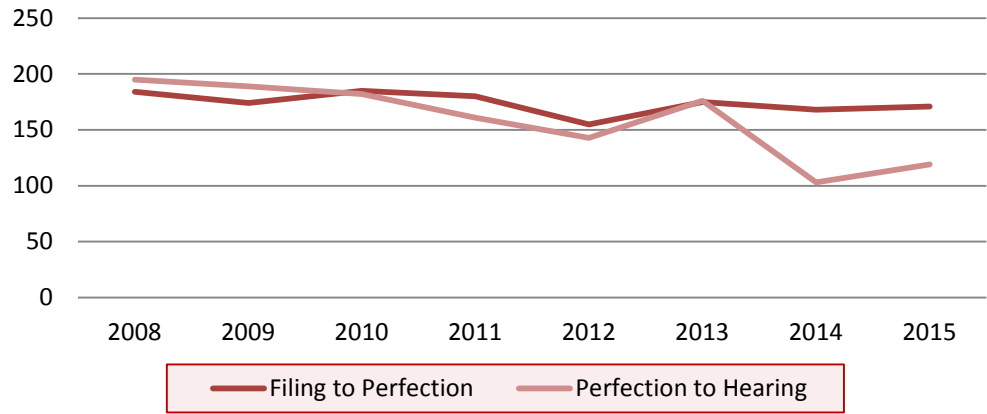
REGISTRAR’S HEARINGS

In 2015, the Registrar conducted 87 hearings out of a total of 123 scheduled, an increase in scheduled hearings from 2014. Of those 87 hearings, 31 were for the assessment of costs, three were for the assessment of special or increased costs, 17 were to settle orders, 24 were combined settlements of orders and assessments of costs, and eight were to settle the contents of the transcript or appeal book. There were also four pre-hearing conferences for complex costs matters. As well, four decisions of the Registrar were reviewed in 2015 by a justice in chambers and none of those reviews was allowed.

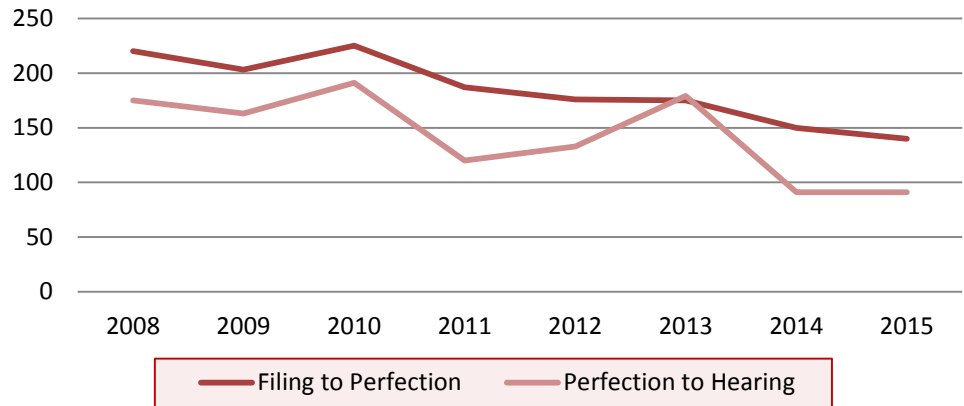
TIME LAPSE STATISTICS: FILING TO HEARING

The four charts below represent two timeframes showing the progress of appeals through the Court. The term “filing to perfection” measures the time in days from the filing of the initiating document to the time an appeal is ready to be scheduled for hearing. The term “perfection to hearing” measures the time in days from when an appeal is ready to be scheduled until it is heard. The Court’s available dates fluctuate, but generally the parties may obtain a date for hearing the appeal within three months of a request. With certain limited exceptions, the parties choose the date they want the appeal to be heard.

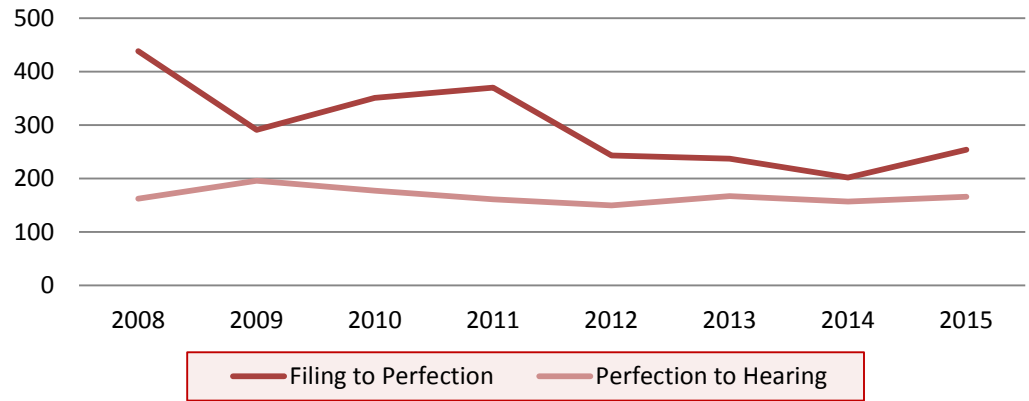
Civil



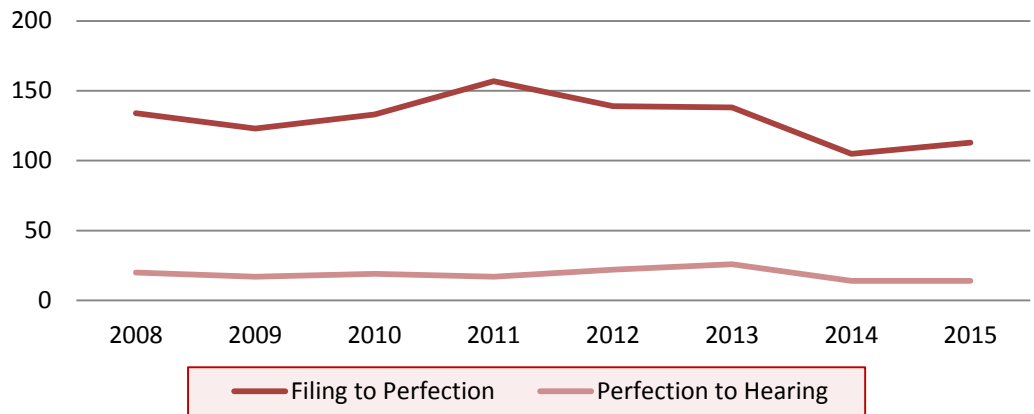
Family



Conviction



Sentence

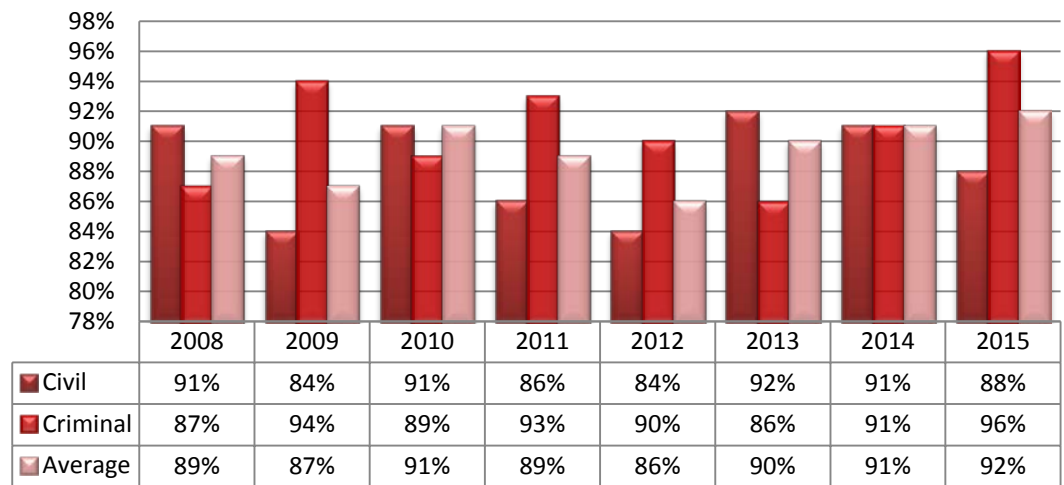


“
 In 2015, the Court issued reserve judgments in 75% of civil cases decided and in 46% of criminal cases.”

TIME LAPSE STATISTICS: HEARING TO JUDGMENT

The Canadian Judicial Council provides a six-month guideline for the release of reserve judgments, which are judgments given orally or in writing at least a day after the appeal concludes. The chart below represents the percentage of Court of Appeal reserve judgments released within that six-month period, sorted by civil, criminal, and total reserve judgments. In 2015, the Court issued reserve judgments in 75% of civil cases decided and in 46% of criminal cases.

Percentage of Reserve Judgments Released within Six Months Guideline



“ In 2015, there were **seven successful applications to the Supreme Court of Canada** for leave to appeal of 64 total considered, with eight remaining undecided as of 31 December 2015.

APPEALS TO THE SUPREME COURT OF CANADA

Statistics from the Supreme Court of Canada show that the Court of Appeal is the Court of last resort for most British Columbians. In most cases, litigants must seek permission, or leave, to appeal a case from the British Columbia Court of Appeal to the Supreme Court of Canada. In 2015, there were seven successful applications to the Supreme Court of Canada for leave to appeal of 64 total considered, with eight remaining undecided as of 31 December 2015.

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
B.C. Leave Applications Considered	64	75	105	61	70	66	34	67	76	80	64
Granted	8	7	19	8	13	10	5	12	7	8	7
Dismissed	45	56	65	46	51	49	27	46	59	63	46
Pending	11	12	21	7	6	7	2	9	10	9	8
Percentage from B.C.	11%	16%	16%	12%	13%	15%	6%	13%	14%	10%	13%
B.C. Appeals Heard	21	9	13	20	9	13	13	14	12	8	10
Allowed	6	1	2	7	5	4	3	3	3	2	1
Dismissed	8	2	3	4	0	2	4	5	3	2	6
Pending	7	6	8	9	4	7	6	6	6	4	3
Percentage from B.C.	21%	11%	22%	25%	20%	14%	18%	18%	14%	13%	16%

ELECTRONIC FILING

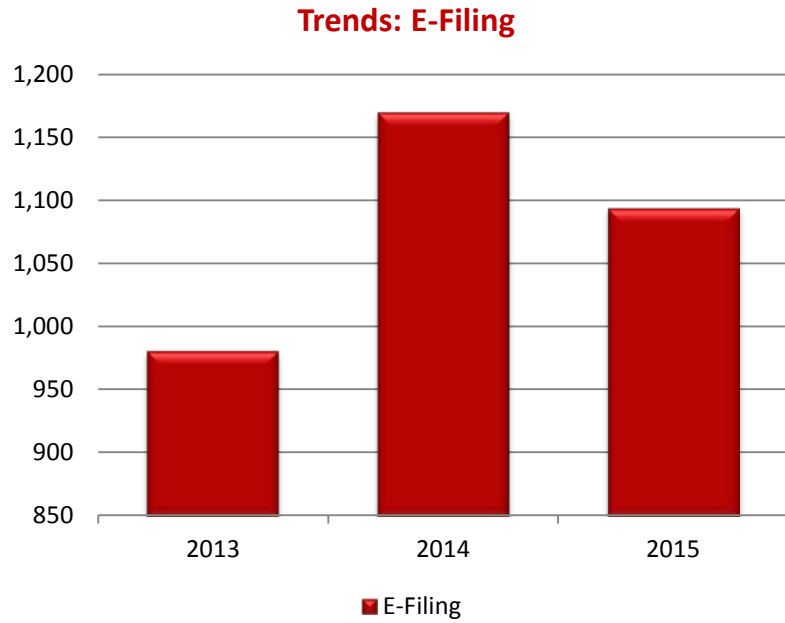
WebCATS, the web-based Court of Appeal tracking system, is the Court’s electronic case management system. WebCATS has been available to the public through [Court Services Online](#) (CSO) since 2005, allowing the public to search civil and criminal indices for free and to view individual files for a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



In 2015, the most commonly e-filed documents

were the appearance, with 264 documents, followed by notices of appeal with 162 filings and affidavits with 124 filings.

Court of Appeal e-filing was officially implemented in October 2012. The number of electronically filed documents by year is summarized in the chart below. In 2015, the most commonly e-filed documents were the appearance, with 264 documents, followed by notices of appeal with 162 filings and affidavits with 124 filings.





Access to Justice BC is a **province-wide initiative made up of 26 members** with the Chief Justice as Chair.

PLANNING, PRIORITIES, AND ACCESS TO JUSTICE COMMITTEE

MEMBERS

The Honourable Chief Justice Bauman (Chair)
The Honourable Madam Justice Newbury
The Honourable Mr. Justice Frankel
The Honourable Mr. Justice Tysoe
The Honourable Madam Justice Smith
The Honourable Mr. Justice Groberman
The Honourable Madam Justice Dickson
Timothy Outerbridge, Registrar
Frank Kraemer, Q.C., Executive Director and Senior Counsel
Sally Rudolf, Legal Counsel

The mandate of the Planning, Priorities, and Access to Justice Committee is to consider matters of general importance to the operation of the Court, including court reform, new policies, initiatives, and changes to court administration. The committee functions as the Court's Executive Committee.

The following matters were considered in 2015:

ACCESS TO JUSTICE BC & JUSTICE SUMMITS

Throughout the year, the Chief Justice reported to the Court on the work of Access to Justice BC and the work of the government-led Justice Summits.

Access to Justice BC is a new province-wide initiative made up of 26 members with the Chief Justice as Chair. Its purpose is to improve the civil justice system for British Columbians. The membership is broad, covering various geographical and subject areas, including representatives of the healthcare sector, municipalities and self-represented litigants. Access to Justice BC has chosen to concentrate efforts first on family law. The main function of the group will be to coordinate action and information, and to identify best practices and implement a system-wide response to removing the barriers experienced within the justice system.

On November 6-7, 2015, the Chief Justice and the Court's legal counsel attended the 5th Justice Summit, which was focused on information sharing and the implementation of a trauma-informed response to violence against women.

SUPERIOR COURTS COMMUNICATIONS OFFICER

On 1 September 2015, both the Court of Appeal and Supreme Court announced the appointment of a Superior Courts Communications Officer. In appointing the Honourable Bruce Cohen, a retired Justice of the Supreme Court, the Chief Justice explained that Mr. Cohen will act as a spokesperson and liaison between the Superior Courts judiciary and the media.

The Chief Justices also noted that the appointment of Mr. Cohen reinstates a position formerly held by the late Honourable Lloyd McKenzie, a retired member of the Supreme Court of British Columbia. During his tenure in the position of Superior Courts Information Officer, Mr. McKenzie acted as a liaison between the Superior Courts and the media in the interests of bringing clarity to the processes and decisions of the Superior Courts.

This position recognizes the important role that the media plays in promoting the public's access to Court proceedings and in conveying information about Court initiatives.

VIRTUAL COUNSEL AND MEDIA LOCKUP

The Court of Appeal released its reasons for judgment in *British Columbia Teachers' Federation v. British Columbia, 2015 BCCA 184*. As has now become practice in certain higher-profile decisions, the Court conducted a virtual lockup for counsel on the appeal, where the decision was released electronically to counsel on various undertakings prior to its official release. At the same time, the Court ran an in-person media lockup, allowing the media to attend and ask questions about the decision to a Court representative, also prior to its official release. The Court has received positive feedback on this initiative from both counsel and the media, which will be continued for all higher-profile cases, so long as staffing and resource requirements permit.

STRATEGIC PLANNING PROCESS

The committee is considering a process for developing a strategic plan for the Court. It was agreed in principle that a strategic plan would assist the Court in considering priorities and proper allocation of Court resources over time.



The Court has been working on decreasing delays associated with the preparation of the yearly rota, which is the sitting schedule for the judges.

TRANSCRIPTION AND PUBLICATION OF ORAL JUDGMENTS

The Court has traditionally transcribed all of its oral judgments, including every time a single justice delivers an oral judgment in chambers. Given the current staffing needs in the registry, the committee and Court agreed that oral judgments of a single justice ought to be transcribed only when requested by the parties or the judge. To facilitate quick transcription/publication, the responsibility for deciding whether an oral judgment is transcribed/published will be made by the judge when giving the oral judgment. An early evaluation of this change has shown that the number of oral judgments transcribed has fallen by 36% (or 44) from the same period in 2014.

ROTA PROTOCOL

The Court has been working on decreasing delays associated with the preparation of the yearly rota, which is the sitting schedule for the judges. The committee and Court agreed to adopt a new rota protocol clarifying the timelines for setting the rota each year. The protocol will allow for a more timely setting of the rota, bringing more certainty to the sitting schedule and allowing for it to be finalized well before the end of the summer for the following calendar year.

WORKPLACE EQUITY COMMITTEE

The Court has reviewed the policies of its workplace equity committee, the mandate of which is to ensure equity in the workplace for staff.

FAMILY LAW CASE MANAGEMENT

The committee agreed that the case management of family law appeals ought to be converted from a pilot project to a more permanent form of case management. Matters such as child custody or support and maintenance are being actively managed when a filing deadline is missed. The effect of the program is difficult to measure, but the higher prevalence of self-represented persons in family law cases suggests the need for case management. Statistics on this program are [reported above](#) in the statistics section of this report.

WEBCASTING

As in 2014, the Court did not conduct a webcast in 2015, but is actively looking for higher-profile cases to webcast as part of its pilot project in 2016.

SELF-HELP WEBSITE

The Court's [self-help website](#) is a partnership between the Court of Appeal and the Justice Education Society. In 2015, there were some inquiries from the Ontario Court of Appeal and the Court agreed to

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In 2015, the self-help website had **24,600 visitors with 61,301 page views** and an average time on the website of two minutes and thirty seconds.
”

share some of the content of this site to facilitate greater access to justice for all courts. In 2015, the self-help website had 24,600 visitors with 61,301 page views and an average time on the website of two minutes and thirty seconds. The Court is grateful for the relationship it has formed with the Justice Education Society and all of its work to maintain this important resource.

ACCESS PRO BONO

The Court continued to welcome the assistance of [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). For the Court of Appeal, Access Pro Bono provides both assistance in Chambers through its civil duty counsel project and assistance with full appeals through its Court of Appeal Roster program. The lawyers in the Roster Program who provided pro bono services on Court of Appeal cases in 2015 are:

Simon Coval	Claire Hunter	Ryan Parsons
Caily diPuma	Sean Jones	Richard C. C. Peck, Q.C.
Angus Gunn, Q.C.	Georgiale Lang	Priyan Samarakoone
Jess Hadley	Mary Macaulay	Katie Webber
John Horn	Jamie Maclaren	

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 the public, and are very much appreciated.



The Court began its **public consultation** on rule reform on 5 January 2015, seeking responses from the public by 31 March 2015.

RULES AND PRACTICE COMMITTEE

MEMBERS

The Honourable Chief Justice Bauman
The Honourable Madam Justice Newbury
The Honourable Madam Justice Bennett
The Honourable Madam Justice Garson (Chair)
The Honourable Madam Justice MacKenzie
The Honourable Mr. Justice Harris
Timothy Outerbridge, Registrar
Sally Rudolf, Legal Counsel

The mandate of the Court of Appeal Rules and Practice Committee is to review, enhance and simplify the practice and procedure of the Court. The committee meets regularly throughout the year to discuss proposals by the justices of the Court, the Registrar, lawyers, and the public for amendments to the *Court of Appeal Act*, the *Court of Appeal Rules*, and the *Court of Appeal Criminal Appeal Rules, 1986* (the “Rules”). The committee consults with members of the bar and other organizations, such as the Canadian Bar Association, when there is a proposal that significantly changes the Court’s practice and procedure.

The following matters were considered in 2015:

CIVIL APPEAL RULE REFORM PROJECT

As reported last year, the Court began to review its civil procedure by proposing a project to amend the *Court of Appeal Act* and the *Court of Appeal Rules*. The work of this project consumed most of the committee’s time in 2015.

Throughout 2015, the Court of Appeal consulted internally on areas where the Court felt that reform practices should focus, forming sub-committees. The Court also began an informal external consultation, meeting with the Appellate Advocacy Section of the Canadian Bar Association to discuss areas where reform was required. The Court began its public consultation on 5 January 2015, seeking responses from the public by 31 March 2015. The public consultation was considered by the Court together with its own internal review throughout the year.

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A second, **more focused round of consultation** will commence in early 2016, putting a set of more specific proposals out for public consultation.”

A second, more focused round of consultation will commence in early 2016, putting a set of more specific proposals out for public consultation. Once these submissions are received, the Court will meet to approve, in principle, the proposals made.

CRIMINAL PRACTICE AND PROCEDURE ADVISORY GROUP

The committee meets periodically with members of the criminal bar to consult on changes to practice and procedure in criminal appeals. This year, the following topics were discussed:

- ✓ A proposal to double-side all appeal materials, except for factums, to save printing and storage costs, also to be considered in civil appeals;
- ✓ A proposal to add cases to the list of frequently cited authorities, alleviating the need to print and file those authorities with the Court;
- ✓ Increasing the use of fully and partial electronic appeals to reduce the need to file paper; and,
- ✓ Proposals to reduce the need for the registry to contact counsel and schedule criminal appeals.

Appreciation is expressed to the following members of the Criminal Advisory Group:

Ursula Botz	Eric Gottardi	Paul Riley, Q.C.
Jim Blazina	Valerie Hartney	Marilyn Sandford, Q.C.
Greg DelBigio, Q.C.	Rod Holloway, Q.C.	Deborah Strachan, Q.C.
Ian Donaldson, Q.C.	Brock Martland	Shelley Sugarman
Richard Fowler, Q.C.	Gil McKinnon, Q.C.	Michael Tammen, Q.C.
John Gordon, Q.C.	Jeff Ray	

AMENDMENTS TO INDIGENT STATUS RULES AND FORMS

On 14 July 2015, a regulation was deposited amending the *Court of Appeal Rules* making changes to Rules 28, 37, 56, and Form 19, which govern what was formerly known as “indigent status.” Obtaining this status allows litigants of less means to waive the payment of certain court fees. In revising these rules, the Court requested both the rules and forms be made clear that only certain Court fees were exempt.



Several changes were adopted in respect of **this Court's practice in Yukon** including a Yukon Practice Directive permitting the service of process by e-mail

YUKON COURT OF APPEAL INITIATIVES

Several changes were adopted in respect of this Court's practice in Yukon including: a Yukon Practice Directive permitting the service of process by e-mail, modifications to the way oral judgments are transcribed, and a proposal that Yukon practice directives and practice notes be re-examined at large. The Yukon Court of Appeal is also interested in adopting a number of the British Columbia Court policies, including the [Record and Courtroom Access Policy](#). With the British Columbia Court of Appeal's upcoming rule reform initiative, the amendment or creation of a new Yukon *Court of Appeal Act* was also discussed.

PRACTICE DIRECTIVES AND NOTES ISSUED OR UPDATED

A [table of concordance](#) for both civil and criminal practice directives and notes may be found on the Court's website.

Repeal of Practice Directives Relating to Access to Court Documents

In an effort to ensure information concerning access to the Court file was kept in a single place, the Court of Appeal repealed three practice directives:

- ✓ Digital Recording Policy in the Court of Appeal (Civil & Criminal Practice Note, 19 September 2011)
- ✓ Obtaining Oral Reasons for Judgment (Civil & Criminal Practice Note, 19 September 2011)
- ✓ Oral Reasons for Judgment (Civil and Criminal Practice Directive, 19 September 2011)

These policies and procedures have been updated and included in the [Record and Courtroom Access Policy Section 1.11 Listening to Audio, Obtaining Transcripts or Reasons for Judgment](#).



In 2015, the Court **further improved fillable forms** by enhancing their completion instructions.

COURT OF APPEAL TECHNOLOGY COMMITTEE

MEMBERS

The Honourable Chief Justice Bauman (*ex officio*)
The Honourable Madam Justice Neilson
The Honourable Madam Justice Bennett (Chair)
The Honourable Mr. Justice Willcock
The Honourable Mr. Justice Fitch
Timothy Outerbridge, Registrar
Frank Kraemer, Q.C., Executive Director and Senior Counsel
Sally Rudolf, Legal Counsel

The Court of Appeal Technology Committee supervises projects meant to enhance the use of technology in the Court of Appeal. The following matters were considered in 2015:

FILLABLE PORTABLE DOCUMENT FORMAT (PDF) FORMS

Many of the old Microsoft Word forms in civil cases have been updated with fillable Portable Document Format (PDF) forms available on [the Court's website](#). In 2015, the Court further improved these forms by enhancing their completion instructions. As well, the Court's relationship with the Justice Access Centre allows direct feedback to be received on the quality of these forms from self-represented litigants.

ELECTRONIC FILING PROJECT

As discussed in the 2014 annual report, the Court Services Branch is leading a project that will follow a user-experience design model to the development of future electronic filing. Throughout 2015, representatives of the Court Services Branch met with various stakeholders to map out opportunities to improve the current e-filing system. The focus has been on improving the experience for litigants commencing an appeal. In 2016, the Court hopes to develop a trial version (or limited beta) of a method to commence an appeal electronically, which will be released initially to a limited group of users for evaluation.

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The Court will also begin to experiment with tablets in the coming two years, which will hopefully decrease issues with reading thousands of documents on a computer screen.”

ELECTRONIC APPEALS

Though the Court has not conducted electronic appeals in 2015, there are several scheduled for 2016 and 2017. There are two current categories of electronic appeals:

Fully Electronic Appeals: These are appeals with voluminous records where the parties have realized cost savings by filing the record electronically. Typically, these cases will involve a fully electronic record with paper factums only. There are three of these appeals scheduled for 2016 and 2017. Each will proceed in the same paperless format as the appeals that took place in the *Federation of Law Societies v. Canada (Attorney General)*, 2013 BCCA 147 and *R v. Kembo*, 2014 BCCA 307. The Court will also begin to experiment with tablets in the coming two years, which will hopefully decrease issues with reading thousands of documents on a computer screen.

Partially Electronic Appeals: The second category of electronic appeals involves a pilot for some criminal appeals where there will now be a fully electronic record (except for authorities) and a matching paper record. The Court will commence this pilot in 2016.

To facilitate working with electronic documents, the Court is working on arranging training from the National Judicial Institute in the Spring of 2016.

The Court continues to be optimistic that access to justice may be improved through a reduction in paper usage which would in turn lead to a reduction in litigation costs. Each fully electronic appeal is independently evaluated and measured through a set of qualitative interviews with all participants in an effort to improve, through an iterative process, the experience for each successive electronic appeal. A draft protocol for electronic appeals, which helps to guide the process for all involved, is constantly being improved as a result of the feedback in each electronic appeal.

COMPUTER USE AND TECHNOLOGY UPGRADES

As some justices are now beginning to use computers in the courtroom to access the internet and the Court's case management system (WebCATS), the Court is responding by adding technology to the various courtrooms. As reported in 2014, Courtroom 70 has been upgraded to ensure power and internet is available to the presiding judge in Chambers. These changes have resulted in more justices using computers in the courtroom. At present, at least five justices (or 20% of the Court) are consistently using laptops or similar peripherals in the courtroom.

JUDICIAL ACCESS TO TRANSCRIPTS IN CIVIL APPEALS PILOT PROJECT

As reported in 2014, the Court has had computer screens installed in Courtrooms 60 and 61 to provide access on demand to the electronic versions of transcripts. When the request is made, the court clerk



In 2015, the Court made several enhancements to WebCATS, including the development of an **improved method for ensuring the accuracy** of the statistics for self-represented litigants.

pulls up the reference, which is displayed on the screens for both the justices and counsel to review.

In 2015, an evaluation of this project has shown it is not being frequently used by the Court.

ENHANCEMENTS TO WEBCATS

In 2015, the Court made several enhancements to WebCATS, including the development of an improved method for ensuring the accuracy of the statistics concerning self-represented litigants.



This year, our Law at Lunch sessions focused, for the most part, **on court procedures and practice.**

EDUCATION COMMITTEE

MEMBERS

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

The Education Committee is responsible for presenting education programs for the judges 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 twice a year, usually at the Court's semi-annual meetings.

This year, our Law at Lunch sessions focused, for the most part, on court procedures and practice. They included sessions on:

- ✓ working with electronic documents;
- ✓ dealing with threat assessments and courtroom and personal security;
- ✓ the role of the presiding judge;
- ✓ registry practice.

In addition, Professor Robin Elliot from the University of British Columbia presented a session on developments in Canadian federalism. The new deans of British Columbia's three law schools – Catherine Dauvergne of the University of British Columbia, Jeremy Webber of the University of Victoria, and Bradford Morse of Thompson Rivers University, gave presentations on developments in their schools, and discussed their visions for the law faculties.

Professor John Borrows attended the court's Spring Meeting, and gave a talk entitled "Canada's Indigenous Constitution: Learning and Practicing Indigenous Law in Canada". The presentation focused on the developed legal systems of First Nations in Canada, addressing an issue of growing importance to the Court.

The featured speaker at the Court's Fall Meeting was Professor Gerry Ferguson, who gave a presentation on global corruption. He discussed the extent and nature of corrupt practices internationally, and outlined steps that have been taken by international organizations to combat the problem.

In addition to the formal education sessions provided at the Court, judges 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.



In 2015, the Committee continued to work on **the development of a mobile device policy** for both courts.

JOINT COURTS TECHNOLOGY COMMITTEE

MEMBERS

The Honourable Mr. Justice Groberman
The Honourable Madam Justice Bennett
The Honourable Mr. Justice Masuhara (Chair)
The Honourable Mr. Justice Myers
The Honourable Madam Justice Adair
The Honourable Mr. Justice Punnett
The Honourable Master D. Baker
Timothy Outerbridge, Registrar, Court of Appeal
Frank Kraemer, Q.C., Executive Director and Senior Counsel
Kevin Arens, Director, Information Technology and Finance
Cindy Friesen, Director, Supreme Court Scheduling
Sally Rudolf, Legal Counsel, Court of Appeal
Heidi McBride, Legal Counsel, Supreme Court

In 2015, the committee continued to work on the development of a mobile device policy for both courts. Committee members also participated in various other technology initiatives for the courts. The committee continues to review technology developments and their impact on the work of the courts. With respect to both courts' technology infrastructure, a number of enhancements were completed in 2015 including:

- ✓ Upgraded hardware in the data centre which has significantly reduced the power requirements;
- ✓ Added earthquake protection in the data centre;
- ✓ Upgraded the network capacity to facilitate the increased use of electronic documents;
- ✓ Upgraded the programming foundation and database to extend the useful life of the Court's custom applications (e.g., scheduling systems, judgment database).

Looking forward to 2016, the committee will begin the work that will lead to the next refresh of its computers which is anticipated for 2017.



The Committee develops draft policies and **interacts with the various court committees, seeking guidance and approval** for draft policies relating to access to court records, particularly those in electronic format.

JUDICIAL ACCESS POLICY WORKING GROUP

MEMBERS

Heidi McBride, Legal Counsel, Supreme Court (Chair to August 2015)
Gene Jamieson, Q.C., Legal Officer, Provincial Court (Chair from September 2015)
Timothy Outerbridge, Registrar, Court of Appeal
Frank Kraemer, Q.C., Executive Director & Senior Counsel, Superior Courts Judiciary
Grant Marchand, Manager, Provincial Court
Dominique Bohn, Executive Director, Service Reform, Court Services Branch
Dan Chiddell, Director Strategic Information & Business Applications, Court Services Branch
Carly Hyman, Director of Policy, Legislation and Issue Management, Court Services Branch
Sally Rudolf, Legal Counsel, Court of Appeal
Karen Leung, 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 for draft policies relating to access to court records, particularly those in electronic format. The Chief Justices and Chief Judge give approval before a policy is 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 2015, the work of the committee included the following:

Access Applications

As in every year, the committee received, considered, and made recommendations in respect of a number of applications for access to court record information from a variety of government agencies and departments in order to fulfill their statutory mandates or to improve the efficiency of their operations. The committee also considered and made recommendations in respect of access applications from universities and other academic organizations for research purposes.

Internal Access to Court Record Information

The committee was able to resolve a long-standing issue involving access to court record information by government employees employed outside of the Court Services Branch. In June 2015, the three courts signed a Memorandum of Understanding with the Ministry of Justice that provided for judicial oversight of all government employees accessing court record information regardless of the government department in which they worked.



In January 2015, the judicial law clerk program received **141 applications for the 30 law clerk positions** available in the two courts for the 2016 – 2017 term.

LAW CLERK COMMITTEE

MEMBERS

The Honourable Madam Justice Newbury
The Honourable Mr. Justice Tysoe (Chair)
The Honourable Madam Justice Smith
The Honourable Madam Justice Bennett
Sally Rudolf, Legal Counsel


The Law Clerk Committee provides general supervision of the Court of Appeal’s judicial law clerk program. The legal counsel provides day-to-day supervision of the law clerks. One of the major tasks of the committee is to interview the short list of candidates, following the first round of interviews conducted jointly by the legal counsel of the Court of Appeal Court and Supreme Court.

In January 2015, the judicial law clerk program received 141 applications for the 30 law clerk positions available in the two courts for the 2016 – 2017 term (12 at the Court of Appeal and 18 at the Supreme Court). Most applicants were students from the University of British Columbia and the remainder were from other Canadian and foreign law schools. In February 2015, the legal counsel interviewed 99 of the applicants. Subsequently, the judges of the Court of Appeal Law Clerk Committee interviewed 25 applicants and selected 12 for the positions at the Court of Appeal.

Twelve 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 2015, six clerks are from the University of British Columbia, one from the University of Victoria, three from the University of Toronto, one from Thompson Rivers University and one from Dalhousie University.

In October and November 2015, judges from the two courts’ Law Clerk committees, the legal counsel, and some former law 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 committees continue to refine the recruitment and application process. In 2015, the committee conducted interviews with applicants residing east of Manitoba through the use of Skype to reduce any financial hardship to students.

The committee expresses its thanks to Sally Rudolf; to Jill Leacock and Heidi McBride, the legal counsel to the Supreme Court; and to Alix Going and Andrea Baedak for their assistance.

 In 2015, the Committee conducted a comprehensive **review of the entire collection** and the annual acquisitions.

LIBRARY COMMITTEE

MEMBERS

The Honourable Mr. Justice Goepel
The Honourable Madam Justice Humphries
The Honourable Mr. Justice Skolrood
The Honourable Madam Justice Griffin (Chair)
Frank Kraemer, Q.C., Executive Director & Senior Counsel, Judicial Administration
Ms. Diane Lemieux, Librarian

In 2015, the committee conducted a comprehensive review of the entire collection and the annual acquisitions. The purpose of the review was to provide the information necessary to make informed decisions about what titles to discontinue, new acquisitions and formats for materials (e.g., electronic vs. print). The review included a survey of the judges, masters and registrars regarding the library's resources. The committee wanted to ensure that the library was getting the best value possible for its annual budget. The committee also wanted input from judges, masters and registrars about what type of materials should be purchased for the library given the limited funds available.

As a result of the review the committee decided to discontinue all print reporters with exception of Supreme Court Reports. In addition, the committee decided that it would discontinue subscriptions to materials that were already available electronically on other subscription services. Because of the resulting cost savings, the library was able to make efforts to improve the collections particularly of resource materials in locations outside of Vancouver including obtaining some new textbooks.

The library staff continue to recycle items replaced annually such as the criminal codes, annual practices and bankruptcy materials. Replaced editions are forwarded to outside locations, and out of date or cancelled loose-leaves are given labels that indicate currency and availability in Vancouver.

In 2015, the Library published 282 civil judgments, 226 criminal judgments and 45 family judgments arising from proceedings in the Court of Appeal for a total of 553 judgments. In respect of proceedings in the Supreme Court, the library published 1366 civil judgments, 468 criminal judgments and 396 family judgments for a total of 2230 reasons for judgment. The published reasons for judgment from both courts were also distributed to a number of legal publishers including CanLII, LexisNexis and Westlaw. The judicial members of the committee express their thanks to the library staff for their work over the past year.

MEMBERS OF THE COURT OF APPEAL

CHIEF JUSTICE OF BRITISH COLUMBIA

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

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)

Madam Justice Mary E. Saunders

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

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)
- December 11, 2015 (Retired)

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)
- September 1, 2015 (Supernumerary)

Madam Justice Kathryn E. Neilson

- July 1, 1999 (Supreme Court)
- May 8, 2008 (Court of Appeal)
- July 1, 2014 (Supernumerary)

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)

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)
- November 30, 2014 (Supernumerary)

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)
- September 1, 2014 (Supernumerary)

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)

Mr. Justice John E.D. Savage

- May 8, 2008 (Supreme Court)
- December 11, 2014 (Court of Appeal)

Madam Justice Lauri Ann Fenlon

- January 31, 2008 (Supreme Court)
- June 19, 2015 (Court of Appeal)

Madam Justice Gail M. Dickson

- December 15, 2006 (Supreme Court)
- July 29, 2015 (Court of Appeal)

Mr. Justice Gregory J. Fitch

- October 20, 2011 (Supreme Court)
- September 1, 2015 (Court of Appeal)

CHANGES TO THE COURT'S COMPLEMENT

INTRODUCTION

During 2015, one vacancy was created arising from the election to supernumerary status of the Honourable Madam Justice Smith on 1 September 2015, bringing the total number of vacancies on the Court to three. Those vacancies were filled by the following appointments: The Honourable Madam Justice Fenlon effective 19 June 2015, the Honourable Madam Justice Dickson effective 29 July 2015, and the Honourable Mr. Justice Fitch effective 1 September 2015. The Honourable Mr. Justice Chiasson retired effective 11 December 2015, creating one vacancy on the Court that remained unfilled at the end of the year.

APPOINTMENTS TO THE COURT

The Honourable Madam Justice Fenlon

The Honourable Madam Justice Lauri Ann Fenlon was appointed a judge of the Court of Appeal for British Columbia on 19 June 2015. She was previously appointed a judge of the Supreme Court of British Columbia in 2008.

Justice Fenlon received her Bachelor of Laws degree from the University of Victoria in 1983. She was admitted to the Bar of British Columbia in 1985, after completing a clerkship at the Supreme Court of Canada with the Honourable William McIntyre. Justice Fenlon articulated at Russell & DuMoulin (now Fasken Martineau DuMoulin), and practiced with the firm in many areas of litigation until her appointment to the bench in 2008.

Prior to her judicial appointment, Justice Fenlon served as Vice Chair of the Vancouver College Board of Directors and as a member of the UBC Ethics Review Board. For many years she was also an instructor in the UBC trial advocacy course.

The Honourable Madam Justice Dickson

The Honourable Madam Justice Gail Dickson was appointed a judge of the Court of Appeal for British Columbia on 29 July 2015. She was previously appointed a judge of the Supreme Court of British Columbia in 2006.

Justice Dickson received her law degree from the University of Saskatchewan in 1981, and was admitted to the Bar of British Columbia in 1982 and the Bar of Saskatchewan in 1984. She practiced with the Crown in British Columbia and with Legal Aid in Saskatchewan before obtaining her Master of

Laws from Cambridge University in 1989. Justice Dickson practiced in England for several years before returning to private practice in Vancouver. She was a partner at Dickson Murray, with a wide-ranging civil litigation practice that included pioneering aboriginal law cases and historical sexual abuse cases. Justice Dickson was appointed Queen’s Counsel in 1998.

Prior to her judicial appointment she was a Fellow of the American College of Trial Lawyers, and served on the B.C. Supreme Court Rules Committee, the B.C. Review Board, and the CLE editorial board, among others. She has been a frequent lecturer and contributor to various legal texts and course materials.

The Honourable Mr. Justice Fitch

The Honourable Mr. Justice Gregory Fitch was appointed a judge of the Court of Appeal for British Columbia on 1 September 2015. He was previously appointed a judge of the Supreme Court of British Columbia in 2011.

Justice Fitch received his Bachelor of Laws degree from Queen’s University in 1985, and was admitted to the Law Society of Upper Canada in 1987 and to the Bar of British Columbia in 1994. He spent much of his career as appellate counsel for the B.C. Ministry of Attorney General, becoming director of the Criminal Appeals and Special Prosecutions office in 2001, which position he held until his judicial appointment in 2011. He was appointed Queen’s Counsel in 2005.

Prior to his appointment, Justice Fitch was an active volunteer with the Supreme Court of Canada Advocacy Institute and a faculty member of the National Criminal Law Program of the Federation of Law Societies of Canada. He was a board member of the International Society for the Reform of the Criminal Law and a past chair of the National Joint Committee of Senior Criminal Justice Officials. Justice Fitch was also a frequent lecturer on oral advocacy and co-editor of several criminal law and evidence texts.

RETIREMENTS FROM THE COURT

The Honourable Mr. Justice Chiasson

The Honourable Mr. Justice Edward Chiasson retired from the Court of Appeal for British Columbia on 11 December 2015. A special sitting of the Court was convened on 27 November 2015 to mark the occasion. Justice Chiasson served as a judge on the Court of Appeal for nine years, having been appointed directly from private practice in 2006.

Justice Chiasson received his Bachelor of Laws degree from the University of British Columbia in 1966, and was admitted to the Bar of British Columbia in 1967. Prior to his appointment to the Court of

Appeal, he was a partner in the Vancouver office of Borden Ladner Gervais LLP, where he practiced commercial litigation and commercial arbitration, first as counsel and later as an international commercial arbitrator.

Over the course of an esteemed career he appeared as counsel before every level of provincial and federal court, and was made a fellow of the American College of Trial Lawyers, the Chartered Institute of Arbitrators, and the College of Commercial Arbitrators. He was the first chair of what would become the Canadian National Arbitration Committee of the International Chamber of Commerce, and a founding trustee of the British Columbia International Commercial Arbitration Centre. Justice Chiasson also taught as an adjunct professor in the Faculty of Law at UBC and at City University in Hong Kong.

As a member of the bench, Justice Chiasson brought his considerable expertise to bear on decisions of lasting importance. One of his earliest judgments, *Hayes v. Weyerhaeuser*, stands as a key contribution to the law of commercial arbitration, a subject with which he is well-acquainted. Justice Chiasson has made equally significant contributions to a wide range of areas of jurisprudence, from administrative law to human rights law to the compensation of the provincial judiciary. He is recognized by his former colleagues as an exceptional and hard-working jurist, possessed of great leadership qualities.



The Court of Appeal is fortunate to have **such committed staff serving the public** and the judges with enthusiasm and dedication.

STAFF OF THE COURT OF APPEAL

CHANGES TO STAFFING COMPLEMENT

The Court of Appeal is fortunate to have such committed staff serving 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 2015, the Court welcomed Jason Conybeer and Eryn Dumontet as court clerks. Mr. Conybeer comes from his previous career as a clerk in the Supreme Court and Ms. Dumontet joins us from a career in the private sector.

STAFF & POSITIONS

Timothy Outerbridge	Registrar
Sally Rudolf	Legal Counsel
Linda Rainaldi	Legal Counsel
Maria Littlejohn	Associate Registrar
Vicki Jang	Manager & Deputy Registrar
Alix Going	Administrative Associate
Gail Woods	Judicial Coordinator to Chief Justice Bauman
Christine Gergich	Supervisor and Appellate Court Records Officer
Wayne Ziants	Records Technician

Judicial Law Clerks

Drew Beesley	Eric Leinveer	Caitlin Ohama-Darcus
Cam Brewer	Ruben Lindy	Franco Silletta
Valerie Cross	Mark MacAulay	Brendan Ward
Louise Hamill	Jonathan McKee	David Wu

Judicial Staff

Adrien Amadeo-Vittone	Cathy Clough	Cherry Mills
Val Belina	Susan Devenish	Victoria Osborne-Hughes
Tina Cheung	Bonnie Marcaccini	Harmesh Shahi

Registry Staff

Jason Conybeer	Robert Loy	Jennifer Rahiman
Eryn Dumontet	Glen Lucier	Moira Syring
Torri Enderton	Michelle Mailhot	Jennifer Unwin
Felicity Lee	Teresa Pol	Jacqueline Windsor

Ushers

Heather Kelly	Darren Scherck	Alex Smolen
Maz Maymay		

Judicial Administration

Frank Kraemer, Q.C.	Senior Counsel and Executive Director
Michelle McConnachie	Director of Human Resources and Support Services
Kevin Arens	Director of Information Technology and Finance
Tammy McCullough	Assistant to Senior Counsel and Executive Director
Cheryl Steele	Finance and Administration Clerk
Michelle Sam	Judicial Assistant
Diane Lemieux	Judges' Librarian
Connie Kang	Library Technician
Cynthia Dale	Website Support & Business Information Analyst
Samantha Servis	Judicial Administrative Practice Advisor

Information Technology Services

Mark Hujanen	Service Delivery Manager
David Chow	Infrastructure Project Analyst
Andre Drewitt	Infrastructure Project Analyst
Eddie Chan	Helpdesk Operations Analyst
William Huang	Helpdesk Operations Analyst
Robert Nelson	Helpdesk Operations Analyst
Jimmy Wu	Helpdesk Technician

APPENDIX 1 - CIVIL STATISTICS 2003 - 2015

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
APPEALS FILED:													
Notice of Appeal	532	468	550	494	498	530	538	519	480	497	587	607	522
Leave to Appeal	204	171	154	170	144	172	175	131	114	122	100	88	96
Notice of Appeal and Leave		54	69	76	55	59	65	55	55	44	28	25	26
TOTAL FILED	736	693	773	740	697	761	778	705	649	663	715	720	644
COURT DISPOSITIONS:													
Appeals Allowed	121	112	137	108	117	100	135	130	116	119	101	101	130
Appeals Allowed %	38%	40%	46%	38%	42%	42%	43%	45%	42%	49%	37%	40%	50%
Appeals Dismissed	199	168	160	174	164	138	180	159	159	125	169	149	131
Appeals Dismissed %	62%	60%	54%	62%	58%	58%	57%	55%	58%	51%	63%	60%	50%
TOTAL COURT DISPOSITIONS	320	280	297	282	281	238	315	289	275	244	270	250	261
Appeals Concluded in Chambers or Abandoned	455	498	492	419	455	449	441	419	436	414	379	420	359
TOTAL DISPOSITIONS	775	778	789	701	736	687	756	708	711	658	649	670	620
Dispositions as % of Filings	105%	112%	102%	95%	106%	90%	97%	100%	110%	100%	91%	93%	96%
Judgments Reserved (Court)	181	210	197	221	197	192	245	233	241	176	201	199	209
Judgments Reserved (Chambers)	n/a	99	66	79	88	87	63	62	83	80	70	52	70
Appeals with 5 Judges	16	4	1	1	3	2	7	1	3	2	2	3	3
Court Motions: Reviews	13	15	13	19	13	14	20	25	28	19	18	16	26
Granted	7	3	5	5	2	2	4	3	8	3	1	2	1
Refused	6	12	8	14	11	12	16	22	20	16	17	14	25
Chambers Motions	451	494	435	426	423	423	539	503	537	533	536	788	639
LEAVE TO APPEAL													
Granted	56	60	62	66	58	66	65	47	51	37	37	36	50
Refused	30	56	42	38	42	47	51	30	55	34	24	19	23
Total	86	116	104	104	100	113	116	77	106	71	61	55	73

APPENDIX 2 - CRIMINAL STATISTICS 2003 - 2015

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
APPEALS FILED:													
Sentence	126	162	176	157	149	163	140	114	109	119	108	174	152
Conviction	130	137	142	147	116	123	115	99	112	116	117	87	93
Summary Conviction	33	41	18	15	17	23	12	16	24	14	9	18	10
Acquittal & Other	57	69	60	50	61	50	44	28	39	40	46	30	41
TOTAL FILED	346	409	396	369	343	359	311	257	284	289	280	309	296
COURT DISPOSITIONS:													
Appeals Allowed	72	82	66	76	77	82	69	52	41	35	62	101	44
Appeals Allowed %	27%	40%	33%	37%	35%	41%	41%	28%	31%	21%	34%	49%	44%
Appeals Dismissed	193	124	132	132	140	120	100	137	91	129	121	102	101
Appeals Dismissed %	73%	60%	67%	63%	65%	59%	59%	72%	69%	79%	66%	51%	56%
TOTAL	265	206	198	208	217	202	169	189	132	164	183	203	145
Summary Dismissals Abandonments in Court/Chambers	105	140	161	149	160	139	149	121	99	123	129	76	85
TOTAL DISPOSITIONS	370	346	359	357	377	341	318	310	231	287	312	279	230
Appeals Disposed % of Filings	107%	85%	91%	97%	110%	95%	102%	121%	82%	99%	111%	90%	78%
Judgments Reserved (Court)	109	84	85	85	81	76	88	88	82	102	97	84	106
Judgments Reserved (Chambers)	n/a	21	10	10	28	11	11	13	22	28	25	4	8
Appeals with 5 Judges	1	0	1	0	0	2	0	1	1	2	0	0	0
Chambers Motions	219	244	275	298	248	242	265	272	210	295	430	438	484

APPENDIX 3 - COMBINED STATISTICS 2003 - 2015

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
APPEALS FILED:	1082	1102	1169	1109	1040	1120	1089	962	933	952	995	1029	940
COURT DISPOSITIONS:	585	486	495	490	498	440	484	478	407	408	453	453	406
Appeals Allowed	179	194	203	184	194	182	204	182	157	154	163	202	174
Appeals Allowed %	32%	40%	41%	38%	39%	41%	42%	38%	39%	38%	36%	45%	43%
Appeals Dismissed	383	292	292	306	304	258	280	296	250	254	290	251	232
Appeals Dismissed %	68%	60%	59%	62%	61%	59%	58%	62%	61%	62%	64%	55%	57%
TOTAL	562	486	495	490	498	440	484	478	407	408	453	453	406
Appeals Concluded in Chambers or Abandoned	560	638	653	568	615	588	590	540	535	537	508	496	444
TOTAL DISPOSITIONS	1145	1124	1148	1058	1113	1028	1074	1018	942	945	961	949	850
Dispositions as % of Filings	106%	102%	98%	95%	107%	92%	99%	106%	101%	99%	97%	92%	90%
Judgments Reserved	290	414	358	395	394	366	407	396	426	386	393	339	315
Appeals with 5 Judges	17	4	2	2	3	4	7	2	4	4	2	3	3
Chambers Motions	670	738	710	724	671	665	804	775	747	828	966	1226	1123