

ANNUAL REPORT



Court of Appeal for British Columbia
2017

TABLE OF CONTENTS

01	MESSAGE FROM CHIEF JUSTICE BAUMAN
03	REGISTRAR'S REPORT
09	STATISTICS
26	PLANNING, PRIORITIES, AND ACCESS TO JUSTICE COMMITTEE
31	RULES AND PRACTICE COMMITTEE
33	COURT OF APPEAL TECHNOLOGY COMMITTEE
37	EDUCATION COMMITTEE
39	JOINT COURTS TECHNOLOGY COMMITTEE
40	JUDICIAL ACCESS POLICY WORKING GROUP
42	LAW CLERK COMMITTEE
43	LIBRARY COMMITTEE
44	MEMBERS OF THE COURT OF APPEAL
47	CHANGES TO THE COURT'S COMPLEMENT
49	STAFF OF THE COURT OF APPEAL
52	APPENDIX 1 - CIVIL STATISTICS 2005 – 2017
53	APPENDIX 2 - CRIMINAL STATISTICS 2005 – 2017
54	APPENDIX 3 - COMBINED STATISTICS 2005 – 2017



MESSAGE FROM CHIEF JUSTICE BAUMAN

In Canada, how independent is the judicial system from the influence of government, individuals or companies? That is the question posed by the World Economic Forum for its annual *Global Competitiveness Index*, which in 2017 ranked Canada ninth out of 137 countries as regards judicial independence.¹ Canada's score of 6.2 out of 7 put our country ahead of Denmark (6.1), Japan (6.0) and the United States (5.5), but behind Finland (6.8), New Zealand (6.7) and the United Kingdom (6.3).

The 2017 – 2018 *World Justice Project Rule of Law Index*² likewise ranked Canada ninth, this time out of 113 countries measured on public perspectives on rule of law indicators such as constraints on government powers, corruption levels and civil and criminal justice.

Judicial independence describes judges' freedom to base decisions on the law and, conversely, judges' immunity from external pressure in their decision-making. Rule of law means the fair application of the law to every member of society and, in my view, is not about enforcing a neutral system of law, but requires a substantive component that advances fundamental rights.

Judicial independence and the rule of law together depend on the public's trust in the judiciary—a trust that must not be taken for granted. For this reason, the judiciary remains accountable to the public for its decisions, through providing reasons for judgment, and for its conduct, via the procedures of the Canadian Judicial Council.

I am proud to work alongside my Court of Appeal colleagues, who continually demonstrate their commitment to judicial independence through diligence and meticulous attention to delivering fair, impartial and timely judgments.

In 2017, the Court of Appeal published 460 judgments. All of them are available on our website for public scrutiny. For each, the Court has provided a summary to assist readers in understanding the fundamental aspects of the decision.

The Court makes various other efforts to reach out to members of the public and media. Throughout the year, the Court's judges deliver public presentations, provide legal education and participate in outreach to students. In June 2017, the Court of Appeal webcasted the appeal of *Taseko Mines Limited v. Western Canada Wilderness Committee*, 2017 BCCA 431. The webcast was part of a pilot project aimed at determining whether there is value in the Court broadcasting its proceedings. The Court held

¹ http://reports.weforum.org/pdf/gci-2017-2018-scorecard/WEF_GCI_2017_2018_Scorecard_EOSQ144.pdf

² https://worldjusticeproject.org/sites/default/files/documents/WJP_ROLI_2017-18_Online-Edition_0.pdf

“
Judicial independence and the rule of law together depend on the public's trust in the judiciary – a trust that must not be taken for granted.”

“Through much of 2017, the Court worked with reduced complement, relieved somewhat by the very welcome appointments of Justice Hunter on April 12, 2017 and Justice Fisher on September 14, 2017.”

one media lock-up in 2017 for the appeal *J.P. v. British Columbia (Children and Family Development)*, 2017 BCCA 308. Lock-ups are aimed at facilitating better and more accurate reporting of complex decisions; they allow reporters to access a judgment of the Court approximately an hour before its public release, reducing the rush to complete their report.

Through much of 2017, the Court worked with a reduced complement, relieved somewhat by the very welcome appointments of Justice Hunter on April 12, 2017 and Justice Fisher on September 14, 2017.

However, the Court was very sorry to bid farewell to Justice Donald, who retired at the end of the year and whose gentle and compassionate spirit and profound intellect are already missed.

At the close of 2017, the Court was two appointments short of a full complement of 15 judges (including the Chief Justice).

As this report shows, the Court continues to grapple with a high volume of chambers matters, while the volume of appeals themselves increased slightly. I regret to report that the number of self-represented litigants remained at concerning levels in 2017. The Court has been working hard on reforming its civil rules in the hope that procedures will be easier to follow for self-represented litigants and lawyers alike.

I want to extend my gratitude to the many hardworking people who make up the staff of the Court, as well as the staff of the Court Services Branch. It is through these individuals' effort and dedication that the judges are able to address the Court's docket with full attention. I would be remiss in not singling out Frank Kraemer, QC, who retired in June 2017 from the position of Executive Director and Senior Counsel for the Superior Courts Judiciary. For a decade, Frank's leadership and careful stewardship of resources safeguarded the Court's ability to fulfil its duties, and the Court is grateful for his principled and loyal service.

The Court looks forward to continuing to provide the highest level of service possible to British Columbians in 2018.



REGISTRAR'S REPORT

THE COURT'S ACTIVITY

The Court saw an increase in new appeals filed in 2017. There were 888 new appeals filed, up from 832 new appeals filed in 2016. Detailed statistics for criminal and civil caseloads for the last 13 years can be found [in the three appendices](#) at the end of this annual report.

In 2017, the Court delivered written reserve judgments in 258 appeals (199 civil and 59 criminal) and pronounced judgment with oral reasons in a further 167 appeals (103 civil and 64 criminal). In chambers, the Court gave reserve judgments in approximately 35 civil motions and six criminal motions.

SITTINGS OF THE COURT

To hear an appeal, the Court sits a minimum of three justices, known as a “division.” The Court sat a total of 85 divisions in 2017 in Vancouver, one less than in 2016. In addition to its Vancouver sittings, the Court sat for seven weeks in Victoria and two weeks in Kamloops. All justices of the Court are also members of the Yukon Court of Appeal, along with judges of Yukon, the Northwest Territories, and Nunavut. That Court sat for two weeks in Yukon in the spring and fall of 2017.

CHAMBERS WORK

Motions brought prior to the hearing of an appeal are referred to as “chambers” or “interlocutory” motions. The Court has been tracking the number of chambers motions, which have been generally increasing over the last decade. This year, the Court’s chambers work abated slightly with a total of 1,180 motions (597 civil and 583 criminal) as compared with 1,233 last year. As part of the initiative to reform the Court’s enabling statute and rules, the Court has closely examined this trend and is considering measures to deal with the increase in chambers motions.

SERVICES FOR SELF-REPRESENTED LITIGANTS

In 2017, the Court developed the following projects to enhance the service it provides to self-represented litigants:

- ✓ **Justice Access Centers:** In 2017, the Court expanded the services of the Justice Access Centers to Victoria and Nanaimo.
- ✓ **Checklists and Templates:** The Court continued to improve the quality of its fillable forms and checklists on the Court website.

“The Court saw an increase in new appeals filed in 2017. There were **888 new appeals filed**, up from 832 new appeals filed in 2016.”

As mentioned in previous annual reports, the **development of a strategic plan for both superior courts is underway**, as are court-specific operational plans.

- ✓ **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.
- ✓ **Access Pro Bono:** [Access Pro Bono](#) provides pro bono representation services for those who qualify. In 2017, the Court continued the program commenced in 2016 that allows all litigants granted no-fee status to be matched with an Access Pro Bono lawyer through a direct referral. In 2018, the Court hopes to make further enhancements to this program, which matched 10 self-represented parties to lawyers in 2017.
- ✓ **E-filing Enhancements to Notice of Appeal:** In 2017, the Court continued work on a project to allow for the electronic filing of a Notice of Appeal in a much simpler format, allowing pre-population of that form through a direct link to data in the lower Court. It is hoped this project will launch in the Spring of 2018.

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.

BUSINESS PROCESS REVIEW UPDATE

At the conclusion of the business process review conducted in 2017, several processes were identified as requiring further investigation, including processes around judgment release and the production of oral judgments. In 2017, a review was undertaken and recommendations for improving the efficiency of these processes were implemented.

As mentioned in previous annual reports, the development of a strategic plan for both superior courts is underway, as are court-specific operational plans.

The business process review also recommended additional statistical measures. One of these measurements is pending caseload, showing the number of cases on the Court’s docket year-over-year, which is reported below.

The development of further measurements will require improvements to data entry and processing as well as systems capable of generating reliable reports. These priorities would require improvements to the Court of Appeal’s case management system, some of which will be scheduled for 2018.

In 2017, as part of a continuing data-quality audit, historical data-entry omissions and errors were corrected in more than 400 appeal cases.

In addition to the justices' workload in hearing cases and issuing judgments, every justice is involved in activities in the legal profession, the judiciary, local communities, the Province, and Canada.

LEAN PROGRAM

The purpose of a Lean Program is to examine current business processes in an organization and collaboratively discover ways to provide service more efficiently to the public. In the summer of 2017, the Court welcomed consultants in the lean field to review the business processes within the Court of Appeal registry. Court staff were engaged, registry processes were discussed, and a number of improvements were made in response to staff feedback.

The business process review as well as the Lean Program also identified several informational gaps in the registry, in particular, the need to ensure that processes were properly documented to ensure consistency of practice. As a result, both an internal registry practice manual and a counter manual were developed, bringing greater consistency to various registry activities.

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, 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 2017, justices of the Court participated in activities with the following bodies:

- ✓ University of British Columbia Trial Advocacy Course
- ✓ Canadian Judicial Council
- ✓ Vancouver Foundation
- ✓ British Columbia Law Institute
- ✓ Canadian Institute for Administration of Justice
- ✓ Mr. and Mrs. P.A. Woodward's Foundation
- ✓ University of British Columbia Peter A. Allard School of Law
- ✓ University of Victoria Faculty of Law
- ✓ Thompson Rivers University Faculty of Law
- ✓ Simon Fraser University
- ✓ Various moot court competitions
- ✓ Appellate Advocacy Section of the Canadian Bar Association
- ✓ Courts Technology Board
- ✓ Beth Israel Selichot Panel Discussion
- ✓ Inns of Court



The Court of Appeal supports a records and information management program based on **sound policies and best practices** for records management.

- ✓ Federal Judicial Affairs – Judicial Advisory Committee on International Engagement
- ✓ Co-Chair, National Jury Committee
- ✓ Justice Summit Participant
- ✓ Lawyers Without Borders (Judicial and Legal Education Program in Tanzania)
- ✓ National Judicial Institute training program for the Supreme Court of Ukraine
- ✓ Cambridge Lectures participant
- ✓ Canadian Superior Court Judges’ Association
- ✓ Continuing Legal Education Society of British Columbia
- ✓ British Columbia Rhodes Scholarship Selection Committee
- ✓ Various National Judicial Institute Programs
- ✓ Justice Education Society
- ✓ International Commission of Jurists
- ✓ Commissioner for Federal Judicial Affairs
- ✓ International Society for the Reform of Criminal Law
- ✓ Lawyers’ Inn Program
- ✓ American College of Trial Lawyers
- ✓ L’Association des juristes d’expression française de la Colombie-Britannique
- ✓ Ride to Conquer Cancer
- ✓ National Center for State Courts (Technology)
- ✓ Canadian Bar Association of British Columbia Law Week
- ✓ Scouts Canada
- ✓ Access to Justice BC
- ✓ Law Society of British Columbia
- ✓ British Columbia Civil Liberties Association
- ✓ The Advocates’ Club
- ✓ BC Council of Administrative Tribunals
- ✓ Vancouver Summer Mentorship Society
- ✓ Family Law Sourcebook
- ✓ Fordham Law School
- ✓ American Bar Association

RECORDS AND INFORMATION MANAGEMENT

The Court of Appeal 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

“
1,255 boxes including original reasons for judgment from 1951 – 2004 and books and case files closed 1964 – 1986 were transferred into the custody of the Royal BC Museum and Archives.

and are retained permanently for the citizens of this province according to established retention and disposition schedules. The Court of Appeal records and information management program is developed, delivered, and maintained by the Supervisor and Appellate Court Records Officer. The position is also responsible for the supervision of the Records Technician and the Document Management Clerks (formerly Ushers) team.

The Records Technician manages the daily receipt, processing, organization, delivery, storage and disposition of Court of Appeal court records (i.e., the “books,” which include appeal books, appeal records, factums and transcripts) throughout the hearing process. Registry staff with Court Services Branch manage the case files (containing initiating records, motion materials, correspondence, etc.) separately from the books. Document Management Clerks manage the daily processing, organization, photocopying and distribution of files, mail, and court records for both the Court of Appeal and Supreme Court in Vancouver.

In consultation with the Registrar and Director of Human Resources and Support Services (Judicial Administration), the Appellate Court Records Officer develops annual priorities for the Court of Appeal records and information management program. The following are some of the highlights and accomplishments from 2017:

- ✓ **Off-site transfer of appeal court records:** On an annual basis, eligible closed appeal records are boxed and transferred to off-site storage according to established records retention and disposition schedules. In 2017, a total of 129 boxes of books (factums, transcripts, appeal records, appeal books) and 53 boxes of appeal case files were transferred off-site.
- ✓ **Transfer of appeal court records into the custody of the BC Archives:** 1,255 boxes including original reasons for judgment from 1951 – 2004 and books and case files closed between 1964 – 1986 were transferred into the custody of the Royal BC Museum and Archives. This was the first transfer of appeal court records since 2004 after the responsibility for maintaining public records transferred from within government to the Royal BC Museum in 2003.
- ✓ **Court of Appeal case indexes (1909-1986):** Bound case indexes listed all appeals with their folio number and are used to find historical court records. A case tracking database introduced in 1992 eventually became the index tool to locate appeal records. These bound case indexes were scanned for registry, judicial and archives staff to have quick reference access for finding historical appeal records when the original indexes were transferred to BC Archives. This project included:
 - Case indexes (1909-1986) scanned by Micro Com Systems after a confidentiality agreement was signed. Scans were checked for quality assurance, bookmarked, and transferred to BC Archives by March 31, 2017.



Approximately
**135 records
requests were
processed for
appeal books in
2017.**

- Case indexes (1987-2002) required marking to indicate Records Suspensions (pardons).
 - The optical character recognized (OCR) PDFs of 1909-2002 case indexes were uploaded to the Court Services Records Management Manual for quick on-going access. Typed indexes can thus now be text searched.
- ✓ **Review of Retention and Disposition Schedules:** With the new *Information Management Act* coming into force, a review of existing retention and disposition schedules for appeal court records was initiated in 2016. This review continued in the fall of 2017 to ensure schedules are modernized and updated as required to reflect the *Act* and current court record-keeping practices.
 - ✓ **Court Records Requests:** The appeal records e-mail account was monitored daily to ensure books with no access restrictions were efficiently and effectively made available by the Court following fee payment. Approximately 135 records requests were processed for appeal books in 2017. The Court continues to work with the BC Archives to provide access to court records transferred into their custody.
 - ✓ **Updates to Court Request form in Access Policy and website:** A fillable, online form was launched to provide a more efficient and centralized method for requesting court records in 2016. In 2017 this form was shortened to one page and the Court of Appeal Record and Courtroom Access Policy was updated to include the form and to increase the use of the on-line form, instead of e-mail or phone requests.
 - ✓ **Security flags added to case tracking database:** Security flags for records suspensions (pardons) and cases with sealing orders (sealed in part or whole) were implemented in 2017. This will help identify and mitigate the risk of information breaches for registry and judicial staff.
 - ✓ **Safety upgrades to court records storage room at Courthouse:** To help with earthquake readiness, shelving was braced throughout the appeal records storage room and anchored to concrete walls.

66
In 2017, the Court disposed of **628 civil appeals, or 98% as a percentage of the 642 civil appeal filings.**

STATISTICS

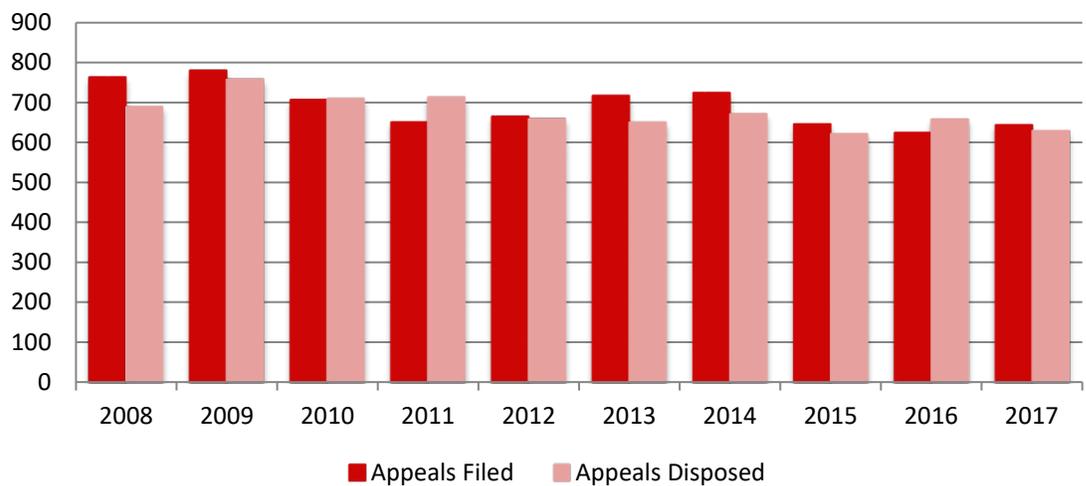
The charts below give a detailed account of the Court’s activity in 2017. The [three appendices](#) at the end of this report provide a detailed historical account of criminal and civil statistics over the last 13 years.

CIVIL APPEALS FILED AND DISPOSED IN 2017

The chart below shows the number of civil appeals filed and disposed from 2008 to 2017.

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 2017, the Court disposed of 628 civil appeals, or 98% of the 642 civil appeal filings. 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 appeals filed by looking at filings as “inputs” and disposed appeals as “outputs” in a given year.

Civil Appeals Filed and Disposed 2008 - 2017



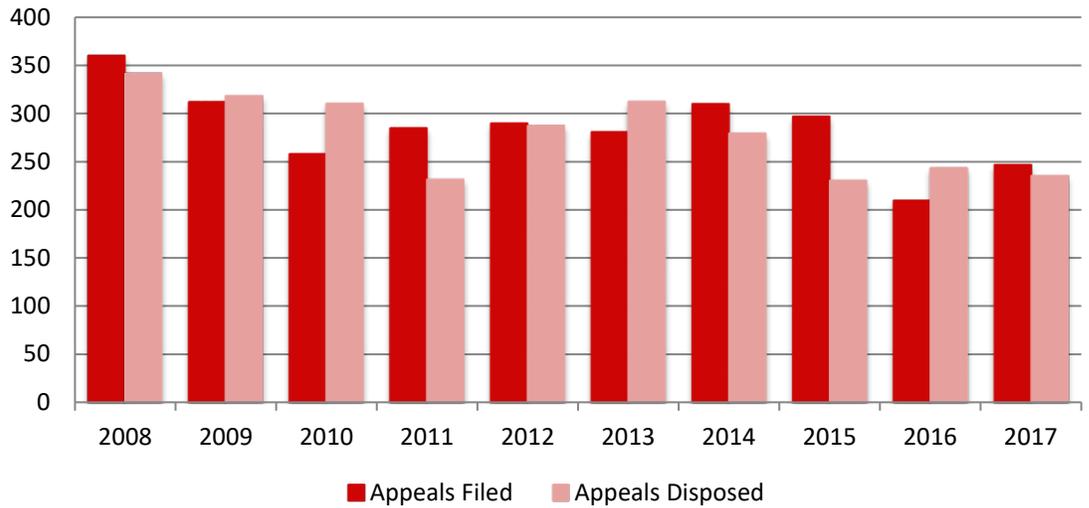
CRIMINAL APPEALS FILED AND DISPOSED IN 2017

There was an increase in criminal filings this year, up from 209 in 2016 to 246 in 2017. In 2017, the Court disposed of 235 criminal appeals, or 96% of the 246 criminal appeal filings.



With 863 appeals disposed of 888 appeals filed, **97% of appeals were disposed** as a percentage of filings.

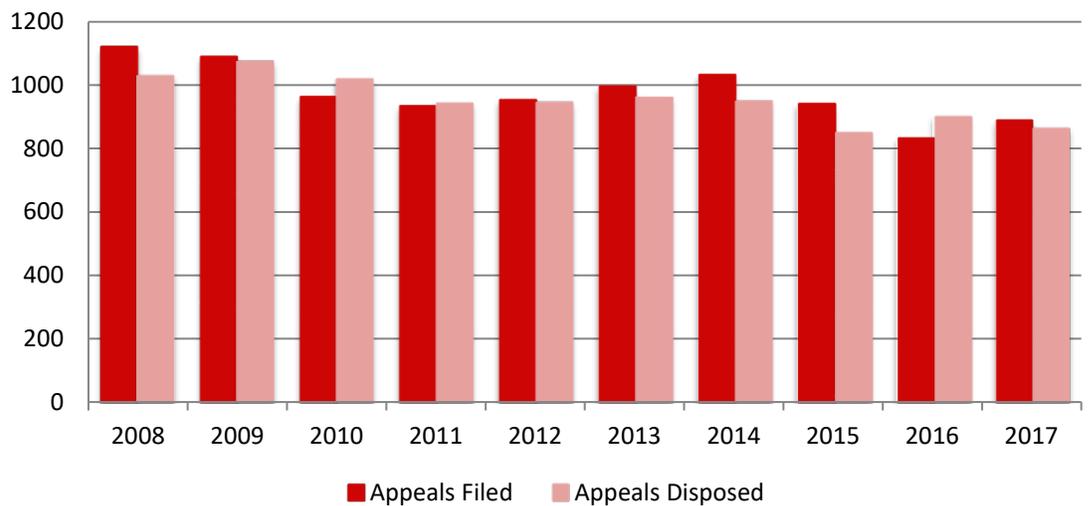
Criminal Appeals Filed and Disposed 2008 - 2017



TOTAL APPEALS FILED AND DISPOSED IN 2017

For a more complete picture of total activity, the chart below combines the civil and criminal filings and dispositions. With 863 appeals disposed of 888 appeals filed, 97% of appeals were disposed as a percentage of filings.

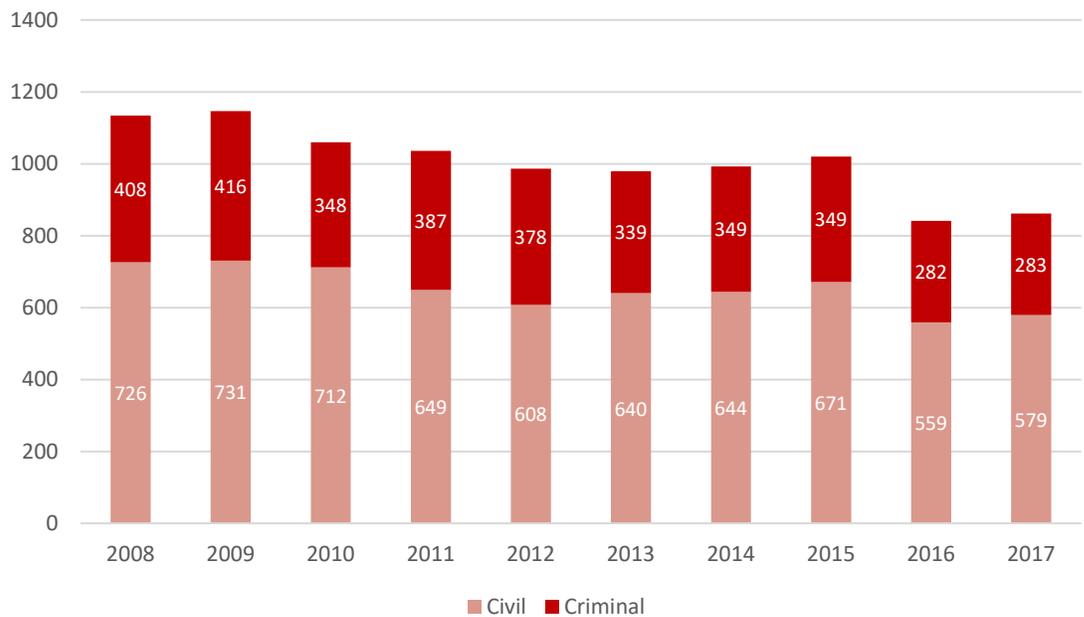
Total Appeals Filed and Disposed 2008 – 2017



PENDING CASES BY YEAR

As appeals are filed and disposed by the Court, the total number of outstanding cases on the Court’s docket changes accordingly. Measured as of January 1 each year, this statistic is known as the number of “pending cases.” As part of a data-quality audit, the Court is working to improve the quality of its historical data. From 2008 to 2016, however, the measurements may be accurate to a deviation of plus or minus 10%.

Pending Cases - Civil & Criminal 2008 - 2017





In 2017, a total of 642 civil appeals were filed. Of those filed in 2017, 23% (149 of 642) were applications for leave to appeal.

TYPES OF CIVIL APPEALS FILED

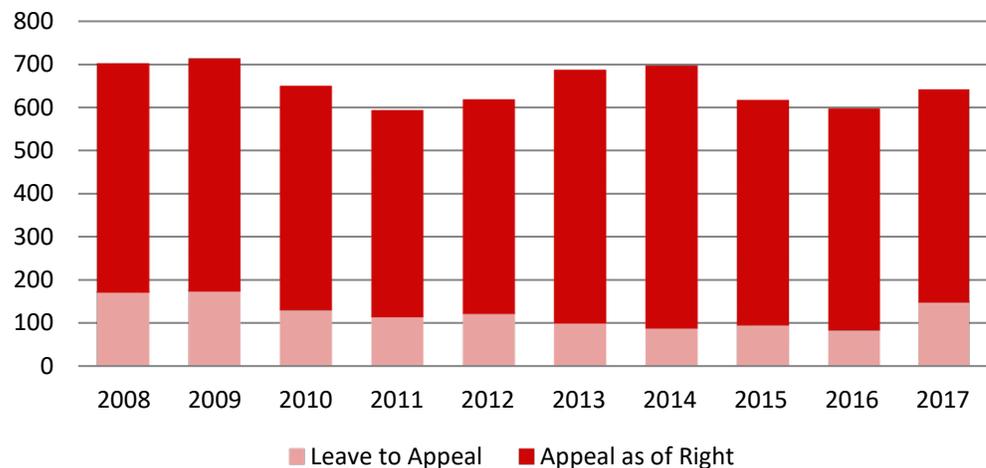
In 2017, a total of 642 civil appeals were filed. Of those filed in 2017, 23% (149 of 642) were applications for leave to appeal. Before appealing certain types of orders, litigants must get permission, or “leave”, to bring an appeal to the Court. The Court heard a total of 77 leave to appeal applications in 2017, granting 50, or 65%.

On 8 May 2017, the Chief Justice issued *Commencing an Appeal When Uncertain if Leave to Appeal is Required* (Civil Practice Directive, 8 May 2017). The directive eliminated a cumbersome process where litigants simultaneously filed both a Notice of Appeal and a Notice of Application for Leave to Appeal, before seeking a direction from the Court regarding which was the proper document to file.

Under the new process, parties simply seek leave to appeal when they are unsure if leave to appeal is required. Given this new directive, there were only nine instances in 2017 (compared to 25 in 2016) when a litigant filed both a Notice of Appeal and a Notice of Application for Leave to Appeal. Not surprisingly, under the new process, there has been a rise in the number of leave applications. In 2017, there were 149 Notices of Application for Leave to Appeal filed (compared to 84 in 2016).

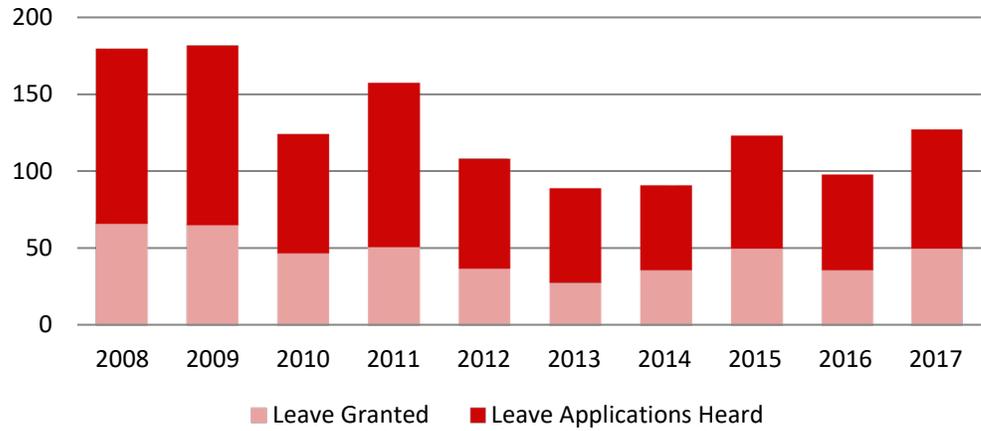
The first chart below shows appeals filed as of right versus those filed seeking leave. The second chart shows the number of applications for leave to appeal heard versus the number of those applications that were granted.

**Civil Filed as of Right vs. Filed Seeking Leave
2008 - 2017**



In 2017, there were **97 sentence appeals filed** and **95 conviction appeals**.

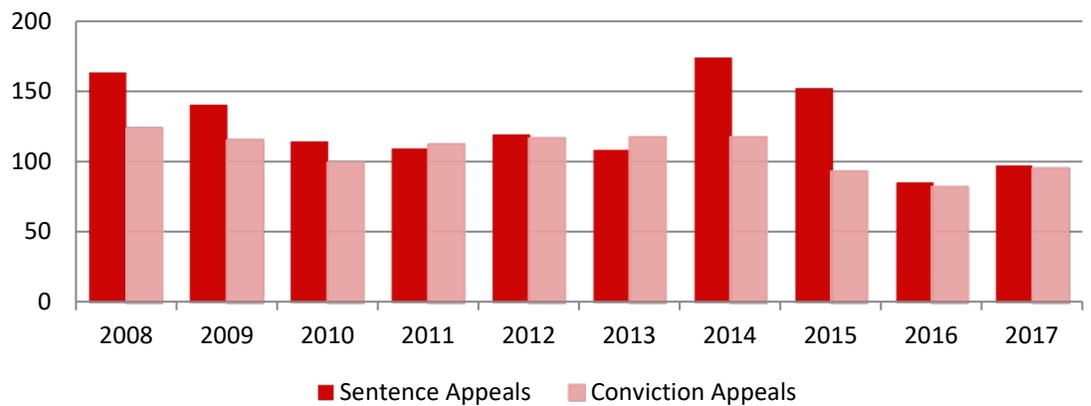
Civil Leave to Appeal Applications Heard vs. Granted 2008 - 2017



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 2008 to 2017. In 2017, there were 97 sentence appeals filed and 95 conviction appeals. There were 53 acquittal, summary conviction and other appeals filed.

Criminal Appeal Filings 2008 – 2017



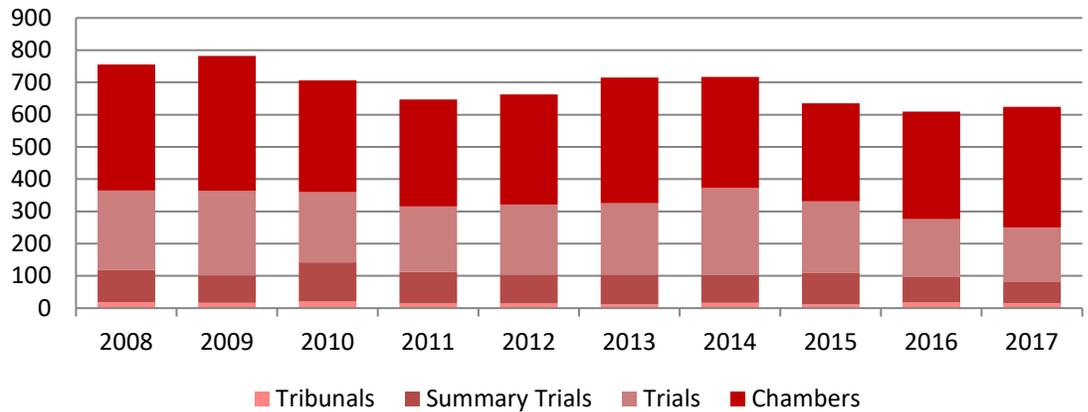
ORIGIN OF CIVIL APPEALS

In most cases, the Court is able to determine 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

“
In 2017,
approximately
69% of civil
appeals were
from chambers
matters and
summary trials.

of appeals according to the underlying proceeding. In 2017, approximately 69% of civil appeals were from chambers matters and summary trials.

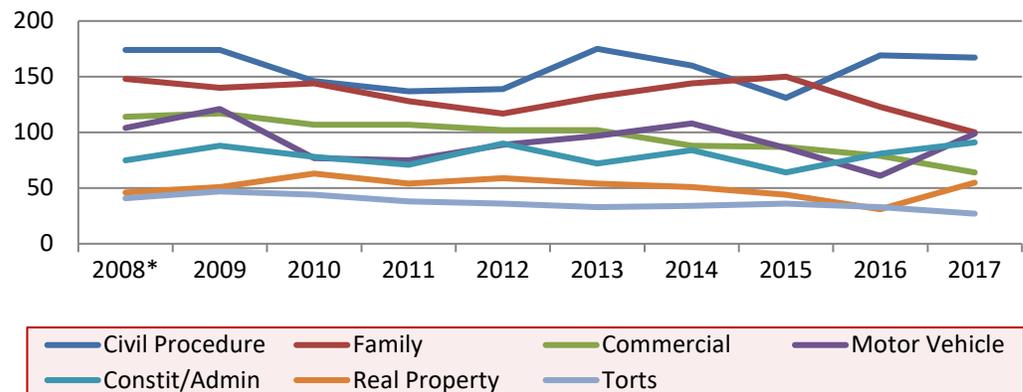
Origin of Civil Appeals 2008 - 2017



CIVIL CASE CATEGORIES

When a civil appeal is filed with the Court, litigants indicate the subject of the appeal in the document initiating their appeal. The chart below shows the top seven categories of appeals filed between 2008 and 2017 by number of appeals.

Civil Case Categories 2008 - 2017

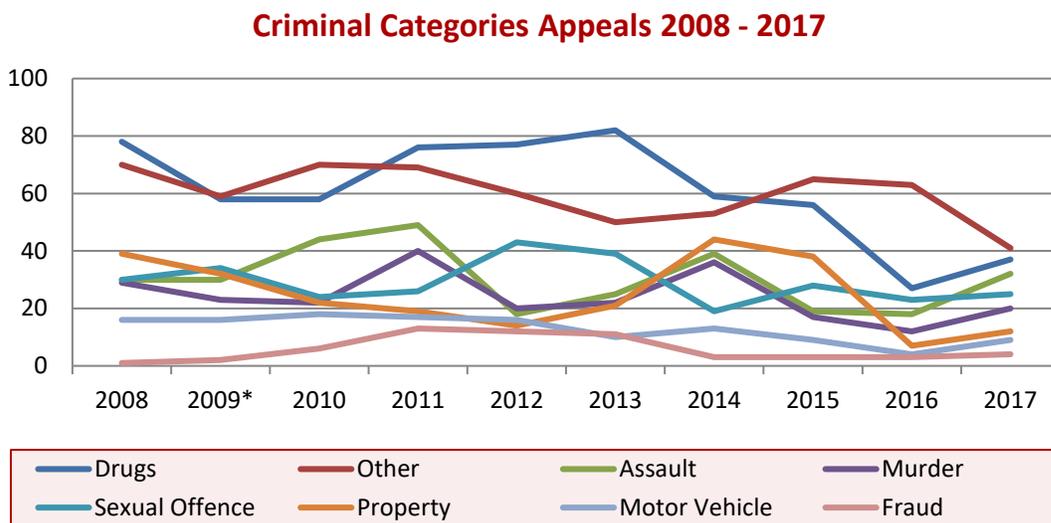


* Correction made

“In 2017, the proportion of civil appeals allowed was 40% of the total civil appeals heard.”

CRIMINAL CASE CATEGORIES

The Court also tracks the subject of the various criminal appeals. The chart below shows the top eight categories of appeals filed between 2008 and 2017 by number of appeals. “Other” covers various offences such as arson, mischief, extradition and *habeas corpus* appeals.



* Correction made

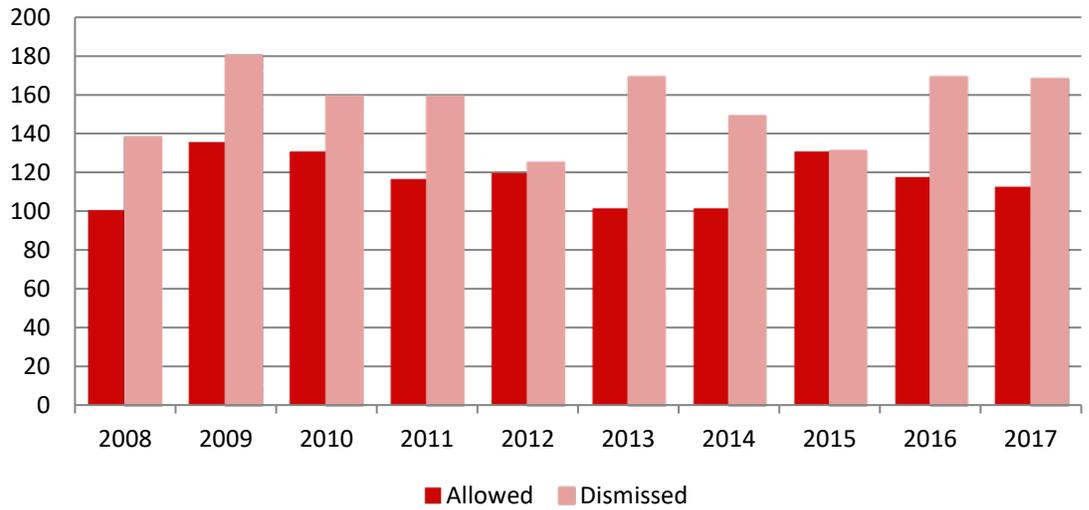
APPEALS ALLOWED AND DISMISSED

An appeal is “allowed” when the Court overturns or varies all, or part of, the order under appeal from the lower court or tribunal. In 2017, the proportion of civil appeals allowed was 40% of the total civil appeals heard (112 allowed, 168 dismissed). For criminal appeals, 34% were allowed (42 allowed, 82 dismissed). The “allowed” statistics include appeals partially allowed by any variations in the order under appeal, as well as appeals where a new trial was ordered.

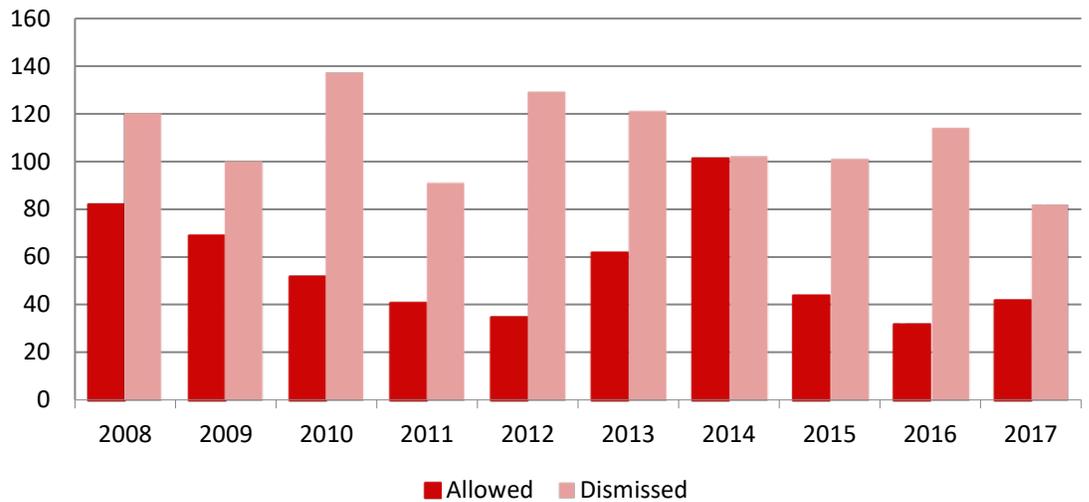
The charts below show the number of civil and criminal appeals allowed and dismissed.

“ In 2017, out of 642 civil appeals and applications for leave to appeal filed, **169 appeals (26%)** involved at least one self-represented litigant.

Civil Appeals Allowed/Dismissed 2008 – 2017



Criminal Appeals Allowed/Dismissed 2008 – 2017



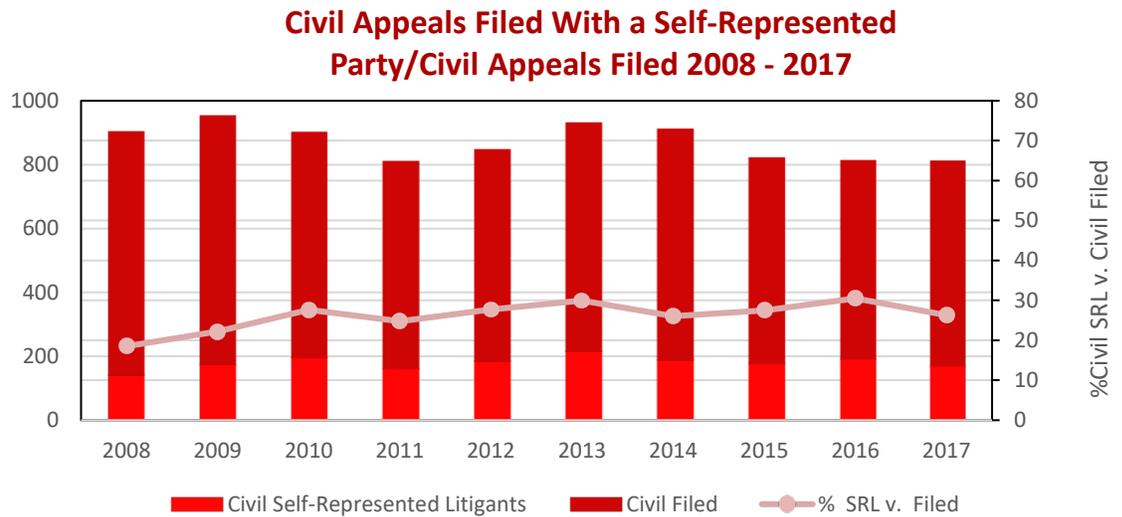
SELF-REPRESENTED LITIGANTS

The charts below compare the number of civil appeals where at least one party was self-represented in a new appeal filed between 2008 and 2017 with the total number of civil appeals filed in those years. In 2017, out of 642 civil appeals and applications for leave to appeal filed, 169 appeals (26%) involved at least one self-represented litigant. This is a slight decrease from 2016, where the figure was 30%. Out of the 169 appeals filed, 81% were self-represented appellants and 19% were self-represented

“ In 2017, out of 101 family appeals or applications for leave to appeal filed, 43 appeals (43%) involved at least one self-represented litigant.

respondents. Of 280 civil appeals disposed of by the Court in 2017, 63 cases (23%) involved at least one self-represented litigant. This is an increase from 2016, where the figure was 61 of 286 (21%).

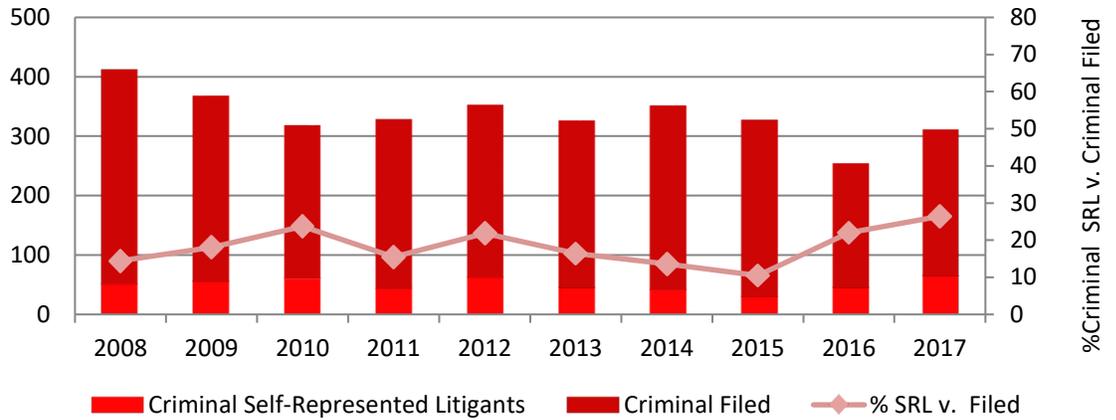
The graph below illustrates a slight decrease from prior year of civil appeals involving self-represented litigants.



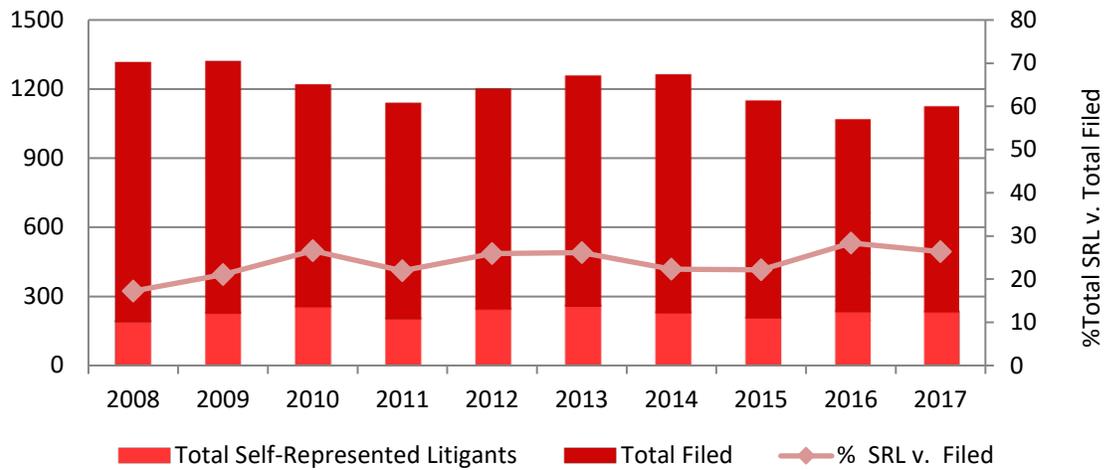
In 2017, out of 101 family appeals or applications for leave to appeal filed, 43 appeals (43%) involved at least one self-represented litigant. Out of the 43 appeals filed, 72% were self-represented appellants and 28% self-represented respondents. Of 37 family appeals disposed of by the Court in 2017, 16 cases (43%) involved at least one self-represented litigant.

Turning to criminal appeals, out of 246 appeals or applications for leave to appeal filed, 65 (26%) were appeals or applications for leave to appeal involving at least one self-represented litigant. This is an increase from 2016, where the figure was 22%. All self-represented litigants in criminal appeals were appellants. Of the 124 criminal appeals or applications for leave to appeal disposed by the Court in 2017, 14 (11%) involved at least one self-represented litigant. This is a decrease from 2016, where the figure was (13%).

Criminal Appeals Filed With a Self-Represented Party/Criminal Appeals Filed 2008 - 2017



Total Appeals Filed with Self Represented Litigants/Total Appeals Filed 2008 - 2017



CHAMBERS AND CASE MANAGEMENT

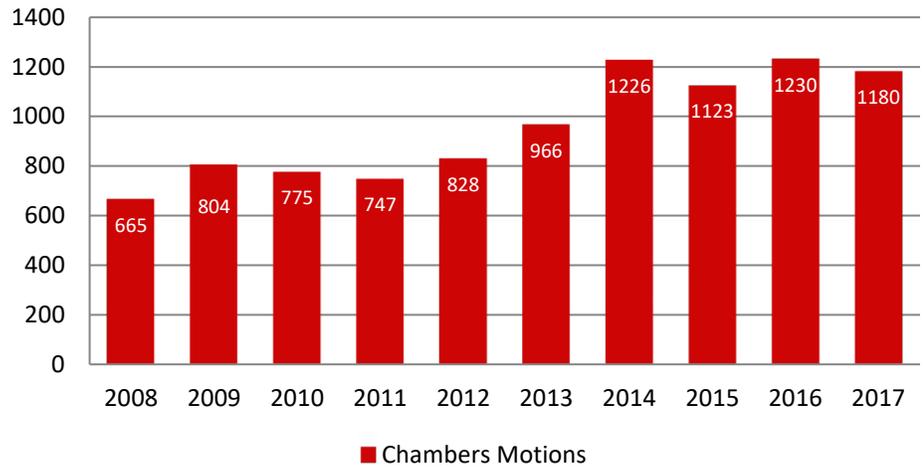
The term “chambers motions” describes motions brought by litigants before a single justice seeking various forms of relief before an appeal is heard. The Court counts each individual motion brought by a litigant, even if multiple motions are brought during the same court hearing.

The Court has been monitoring the number of chambers 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 2017, there were **46 family law files** that qualified for case management and **eight** were subsequently managed.

Chambers Motions Criminal and Civil, 2008 - 2017



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.

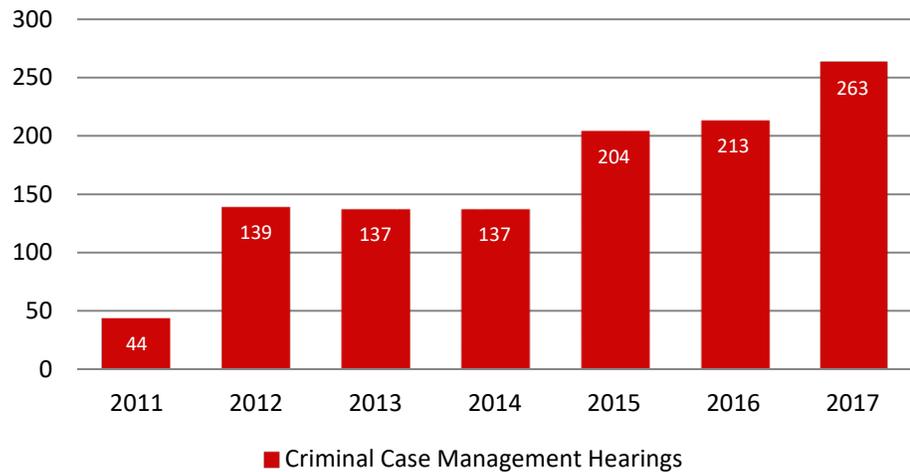
Civil case management is largely confined to family law cases involving adoption, child support, custody and access or child protection issues. In 2017, there were 46 family law files that qualified for case management and eight were subsequently managed.

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 significant increase in 2017.



In 2017, the Registrar conducted one fewer hearing than in 2016. In 2017, there were **59 hearings out of 81 scheduled**

Criminal Case Management Hearings, 2011-2017



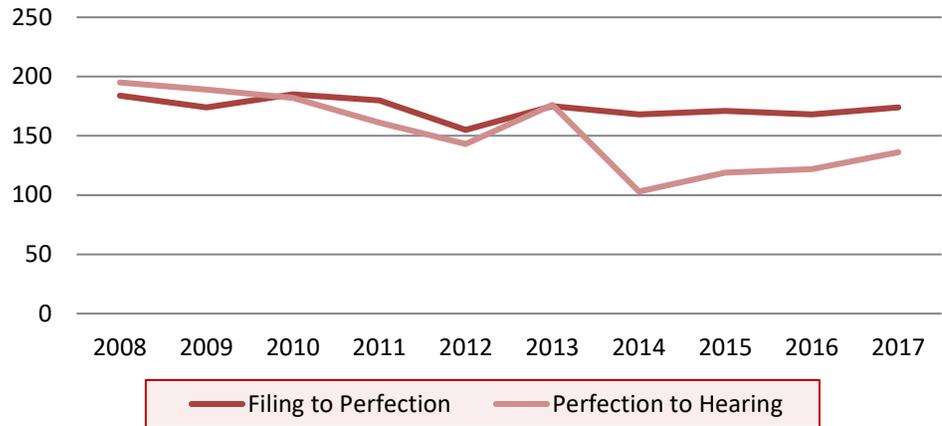
REGISTRAR’S HEARINGS

In 2017, the Registrar conducted one fewer hearing than in 2016. In 2017, there were 59 hearings out of 81 scheduled. Within those 59 hearings, 53 Court orders were settled, 53 bills of cost were assessed, five sets of books were settled, and one bill for special or increased costs was assessed. In 2017, one decision of the registrar was reviewed by a justice in chambers and that review was dismissed.

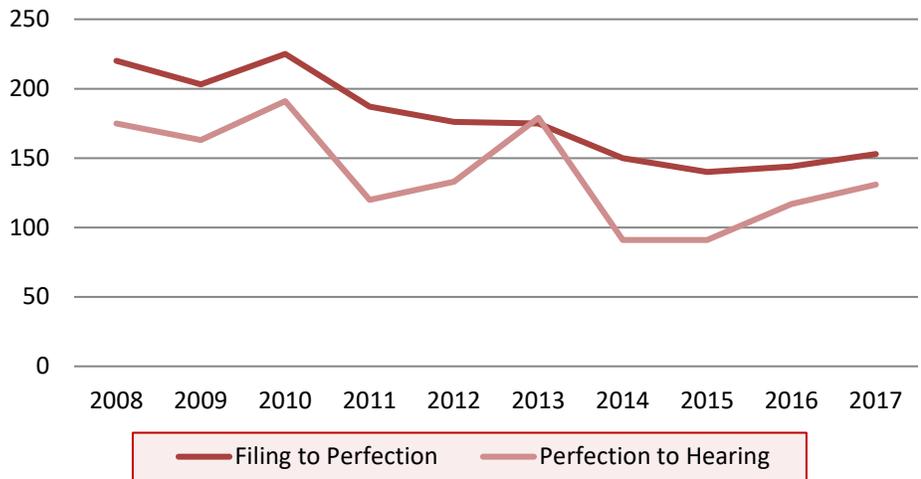
TIME LAPSE STATISTICS: FILING TO HEARING

The four charts below represent two timeframes showing the mean amount of time for an appeal to progress through the Court from start to finish. 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 on which they want the appeal to be heard.

Civil 2008 - 2017



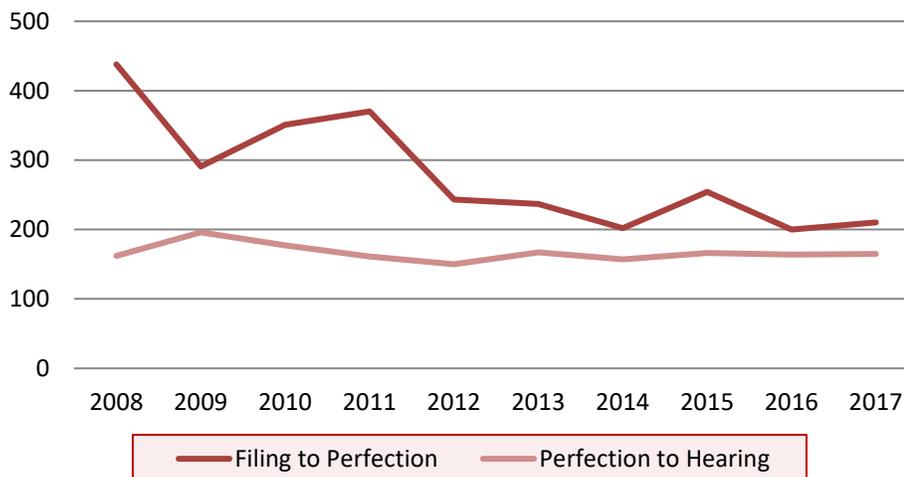
Family 2008 - 2017



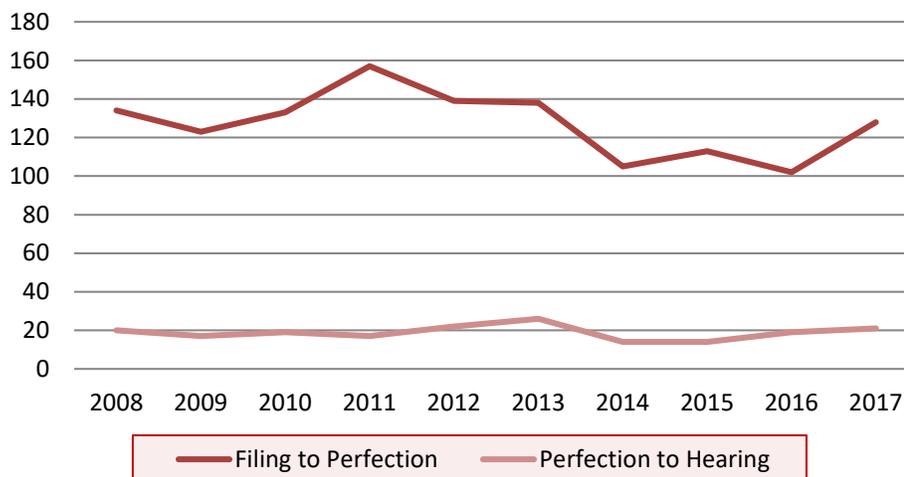


In 2017, the Court issued reserve judgments in 69% of civil cases decided and in 48% of criminal cases decided.

Conviction 2008 - 2017



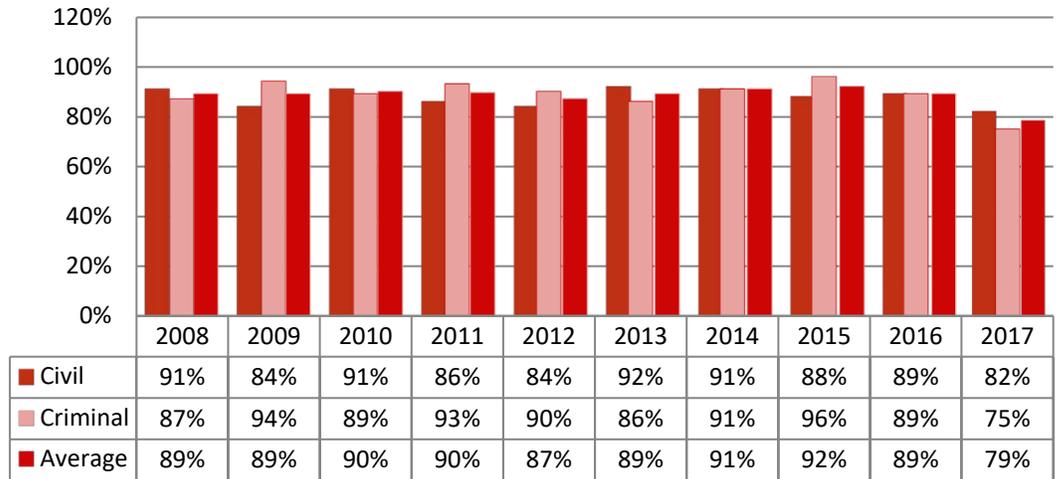
Sentence 2008 - 2017



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 2017, the Court issued reserve judgments in 69% of civil cases decided and in 48% of criminal cases decided.

Percentage of Reserve Judgments Released within Six Months Guideline 2008 - 2017



“
In 2017, 13% of leave applications from British Columbia to the Supreme Court of Canada were successful (9 of 65 considered).

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/leave from the Supreme Court of Canada to appeal a case from the British Columbia Court of Appeal.

In 2017, 13% of leave applications from British Columbia to the Supreme Court of Canada were successful (9 of 65 considered). Out of the 141 appeals heard by the Supreme Court of Canada from British Columbia between 2007 and 2017 (inclusive), 51% (72) were dismissed and 47% (66) were allowed.

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017*
B.C. Leave Applications Submitted	105	61	70	66	76	71	76	81	64	76	65
Granted	20	9	13	10	11	14	8	9	10	12	9
Dismissed	83	50	56	52	60	54	62	71	51	60	54
Reserved	0	0	0	0	0	0	0	0	0	0	1
Discontinued	1	0	0	1	2	0	0	0	1	2	1
Extension of time - dismissed	1	1	1	2	2	2	2	1	1	1	0
Quashed	0	0	0	1	0	0	0	0	0	0	0
Remanded	0	1	0	0	1	1	4	0	1	1	0
Percentage from B.C.	17%	12%	14%	14%	14%	13%	14%	16%	13%	13%	13%
B.C. Appeals Heard	13	20	9	13	13	14	12	8	10	17	12
Allowed	6	10	6	7	4	6	5	6	3	9	4
Dismissed	7	10	3	6	9	8	7	2	7	8	5
Reserved	0	0	0	0	0	0	0	0	0	0	3
Percentage from B.C.	25%	24%	13%	20%	19%	18%	16%	10%	16%	27%	18%

*As of January 31, 2018

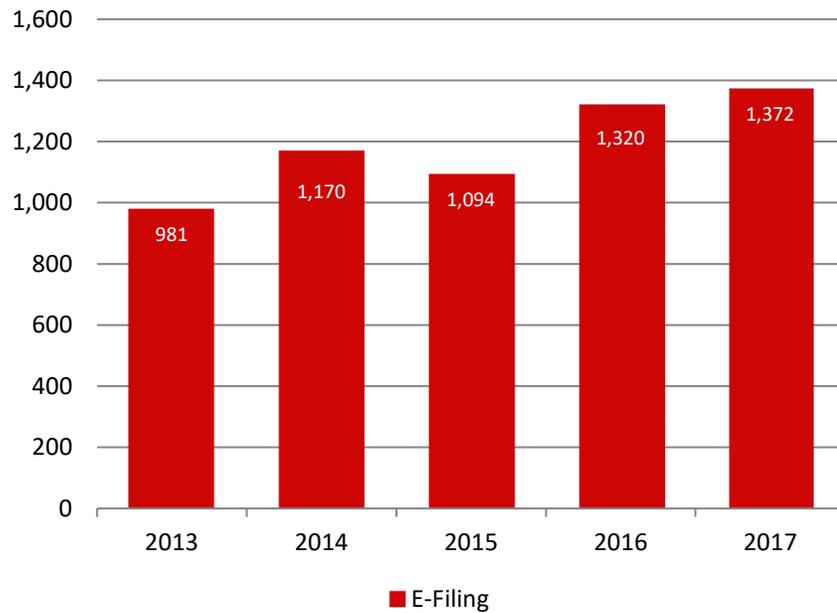
“ In 2017, the most commonly e-filed documents were the notice of appearance with 282 filings, followed by affidavits with 189 filings and notices of appeal with 140 filings.

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.

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 2017, the most commonly e-filed documents were the notice of appearance with 282 filings, followed by affidavits with 189 filings, and notices of appeal with 140 filings.

Trends: E-Filing 2013 - 2017



“The Chief Justice reported to the Court in 2017 on the work of **Access to Justice BC** and the work of the government-led Justice Summits.
”

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 Madam Justice Smith
The Honourable Mr. Justice Savage
The Honourable Madam Justice Dickson
Timothy Outerbridge, Registrar
Heidi McBride, 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 2017:

ACCESS TO JUSTICE BC & JUSTICE SUMMITS

The Chief Justice reported to the Court in 2017 on the work of Access to Justice BC and the work of the government-led Justice Summits.

Access to Justice BC is a network of justice system stakeholders committed to improving access to justice for British Columbians. It seeks to align network members in their efforts and to support collaborative, innovative, user-centered and evidence-based initiatives. While Access to Justice BC does not itself run projects, it provided support in 2017 to initiatives such as an unbundling legal services project, a family justice pathfinder program, and a presumptive consensual dispute resolution project. The group is also working on a new initiative to address the overrepresentation of Indigenous children in care. Updates on Access to Justice BC initiatives can be found on the Chief Justice’s blog at www.accesstojusticebc.ca.

The 8th Justice Summit, which was focused on justice and technology, took place between 23 – 24 June 2017. The 9th Justice Summit built on this theme and took place between 24 – 25 November 2017.

“The Committee and the Court has approved a program that will pursue various avenues to connect with Law Schools concerning upcoming Court of Appeal sittings and invite students and professors to view appeal proceedings.”

BUSINESS PROCESS REVIEW

The Court of Appeal (along with the Supreme Court) completed a business process review which was delivered to the Chief Justices in March 2017. As a result of the review, the Court has undertaken the development of a number of initiatives, including:

- ✓ The development of strategic and operational plans;
- ✓ A review of the Court’s judgment proofing and release process;
- ✓ The development of internal and external court metrics, including new measurements relating to the Court’s pending caseload;
- ✓ A data-quality audit;
- ✓ Various enhancements to the Court’s case management system; and,
- ✓ Funding proposals to the Provincial Government to assist with initiatives such as enhanced electronic filing and electronic appeals.

B.C. LAW SCHOOL OUTREACH PROPOSAL

The Committee and the Court have approved a program that will pursue various avenues to connect with law schools concerning upcoming Court of Appeal sittings and invite students and professors to view appeal proceedings. This replaces a program where the Court occasionally sat at the University of British Columbia.

VIRTUAL COUNSEL AND MEDIA LOCKUP

The Court of Appeal will release decisions under embargo approximately one hour prior to their official release in Court to both counsel and the media, on conditions, in certain high-profile appeals. The purpose of this initiative is to allow counsel and the media time to digest complex decisions prior to reporting on them. As in years past, the Court has received positive feedback on this initiative from both counsel and the media. The Court will continue this process for all higher-profile cases, so long as staffing and resource requirements permit. On 31 August 2017, the Court released reasons for judgment in *J.P. v. British Columbia (Children and Family Development)*, 2017 BCCA 308, using the virtual counsel lockup and in-person media lockup process.

SETTLEMENT CONFERENCE PROGRAM

The Committee reviewed the current level of participation in the settlement conference program as well as similar programs in other appellate courts. The lack of uptake in the program can be attributed to a number of factors, including the current restriction on an appellate judge providing an opinion on the merits of an appeal. The question of whether settlement conferences ought to be audio recorded and clerked was also reviewed and the matter will be considered further in 2018.



In 2017, the Court conducted its second webcast since *Carter v. Attorney General (Canada)*, 2013 BCCA 435.

APPEALS BY VIDEOCONFERENCE

Along with the Technology Committee, the Court is considering the further use of videoconferencing generally, including for the hearing of appeals. Particularly for communities where the Court does not frequently sit, it can be a financial hardship to travel to Vancouver. Videoconferencing may also allow the Court to sit in locations it might otherwise be unable. The use of videoconferencing will require enhancements to existing technology and this issue is being considered by the Technology Committee and the Courts Technology Board.

ERRORS IN ORAL AND RESERVE JUDGMENTS

In 2016, the Court noted an informal study published in the November 2015 edition of the *Advocate* magazine that noted the number of corrected judgments from 2012 to 2015 represented approximately 6.8% of the total judgments published over that period.

In 2017, a judgment study was conducted by the Registrar, which showed that the majority of the errors made were typographical mistakes missed in the proofreading process, many of which occurred on the cover-page of the judgment (e.g. misspelling the name of counsel).

WEBCASTING

In 2017, the Court conducted its second webcast since *Carter v. Attorney General (Canada)*, 2013 BCCA 435. *Taseko Mines Limited v. Western Canada Wilderness Committee*, 2017 BCCA 431 was webcast on 7 – 8 June 2017. On 7 June 2017, the Court had an average number of viewers of 85, of which 30% stayed logged in in for the complete day. The following day saw the average viewership fall to 56, of which 50% stayed logged in for the complete day. As webcasting technology has improved over the years, the cost of webcasting a court proceeding has fallen significantly. The cost for the *Taseko* webcast was \$1,260, inclusive of tax. The Court hopes to webcast one more appeal, and then evaluate the outcome of the project.

UKRAINE JUSTICE REFORM PROJECT

The Chief Justice and senior Court staff have been involved in a project to educate and share information about judicial administration with the Ukrainian judiciary. The objective is to assist the judiciary in building the trust and confidence of the public. In October 2017, a delegation of Ukrainian judges visited various provinces in Canada and, as part of that visit, were hosted by the BC Superior Courts.

“
The British Columbia Government has struck a committee arising from recommendations during the 3rd and 4th justice summits to improve information sharing within the justice system.”

PRIVACY IN REASONS FOR JUDGMENT

The Committee recognized that rapid dissemination of information through the internet is having an impact on personal information in judgments. The Canadian Judicial Council, after consultation with the now disbanded Judges' Technology Advisory Committee, released a document in 2005 entitled *Use of Personal Information in Judgments*. The practices within this document are now outdated and the Court has struck a privacy working committee to examine how the Court might adjust its practices. The Committee hopes to deliver its report in 2018.

INFORMATION SHARING STEERING COMMITTEE

The British Columbia Government has struck a committee arising from recommendations during the 3rd and 4th justice summits to improve information sharing within the justice system. In 2017, the Court of Appeal's legal counsel participated as an observer in this group. The Committee's terms of reference state that its purpose is to improve judicial access to all relevant information so that safety and risk issues can be appropriately considered and mitigated during family, criminal and child protection court proceedings.

FILE SECURITY AND ESTABLISHING A SECURE NETWORK

As discussed in 2016, the Committee adopted a proposal by the Registrar and Legal Counsel to review the Court's current processes around the sealing of certain court files and protecting confidential information. In 2017, the Committee adopted a proposal which would limit internal access to both sealed and "high security" files significantly.

APPOINTMENT OF NEW YUKON REGISTRAR

Since 2002, the Court has been very well served by the former Registrar of the Yukon Court of Appeal, Sharon Kerr. Following her retirement and after interviews in which the BC Court of Appeal Registrar participated, in 2017 the Court welcomed a new Yukon Registrar, Justin Gorzcyca.

SELF-HELP WEBSITE

The Court's [self-help website](#) is a partnership between the Court of Appeal and the Justice Education Society. In 2017, the self-help website had 22,278 visitors with 63,392 page views and an average time on the website of two minutes and 42 seconds. The Court is grateful for the relationship it has formed with the Justice Education Society and for all of its work to maintain this important resource.



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

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 through which 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, social assistance and housing). For the Court of Appeal, Access Pro Bono provides both assistance in chambers through its Civil Chambers Program 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 2017 are:

Trevor Bant	Joe McArthur	Stanley Osobik
Rosalie Clark	Peter Mennie	Richard Peck, Q.C.
Simon Coval	Lia Moody	Tom Posyniak
Malcolm Funt	Laura Morrison	Julia Roos
Claire Hunter	Nathan Muirhead	Jeremy Shragge
Joshua Hutchinson	Matthew Nied	Michael Stephens
Georgiale Lang	Brent Olthuis	

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.

As in 2015 and 2016, work continued in 2017 on the project to - **amend the Civil Act and the Rules.**

RULES AND PRACTICE COMMITTEE

MEMBERS

The Honourable Chief Justice Bauman
The Honourable Madam Justice Newbury
The Honourable Madam Justice MacKenzie
The Honourable Mr. Justice Harris (Chair)
The Honourable Mr. Justice Goepel
The Honourable Mr. Justice Fitch
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 “Act”), the *Court of Appeal Rules* and the *Court of Appeal Criminal Appeal Rules, 1986* (together, 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 2017:

CIVIL APPEAL ACT AND RULE REFORM PROJECT

As in 2015 and 2016, work continued in 2017 on the project to amend the Act and the Rules. Throughout 2017, the Court worked to finalize its recommendations concerning proposed amendments. At the end of 2017, final versions of these recommendations were delivered to government. Though the legislative calendar can be unpredictable, the Court hopes that amendments may be subject to a final round of consultation in mid-2018, with proclamation to follow.

YUKON COURT OF APPEAL PRACTICE DIRECTIVES AND NOTES

As reported in 2016, the Court has been reviewing which of its current Practice Directives and Notes ought to be available in Yukon when the Court’s members sit on a division of the Yukon Court of Appeal. These Practice Directives and Notes were signed and issued by the Chief Justice and Registrar in 2017.

CHAMBERS PRACTICE: LATE-FILED MATERIALS

The Court implemented a new practice for receiving late-filed chambers materials. Rule 33 provides that a party seeking to bring an application in chambers must file that application five business days before that application is set for hearing. The respondent is required to file any responding material two days prior to the hearing of the application. Rather than filing late material, the Court has implemented the use of a “received” stamp, allowing the judge at the chambers hearing to review and decide whether to file the late material and allow the parties to rely on it.

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.

Release of Court of Appeal Reserve Reasons for Judgment by Email (Civil and Criminal Practice Note, 19 September 2011)

This Practice Note was repealed on 14 February 2017. As the Court is now making judgments available on the internet to all parties at 10:00am, the practice of emailing judgments to parties and counsel has ceased.

Commencing an Appeal When Uncertain if Leave to Appeal is Required (Civil Practice Directive, 8 May 2017).

This Practice Directive was updated to remove the requirement for parties to seek directions from the Court on whether leave to appeal was required. Instead, if the parties are unsure whether leave to appeal is required, they simply seek leave to appeal.

Booking Civil Chambers Applications (Civil Practice Note, 8 May 2017)

This Practice Note implements a new electronic list of available chambers dates which will allow civil litigants to book a returnable date for a chambers hearing with confidence that the list will not be closed and without the need to call the registry.



Since 2014, the Court Services Branch has been facilitating a project that will follow a user-experience design model for the development of future electronic filing.

COURT OF APPEAL TECHNOLOGY COMMITTEE

MEMBERS

The Honourable Chief Justice Bauman (*ex officio*)
The Honourable Madam Justice Bennett (Chair)
The Honourable Mr. Justice Willcock
The Honourable Mr. Justice Savage
The Honourable Mr. Justice Fitch
Timothy Outerbridge, Registrar
Heidi McBride, Executive Director and Senior Counsel
Sally Rudolf, Legal Counsel
Christine Gergich, Appellate Court Records Officer
Ryan Wirth, Manager of Information Technology

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 2017:

ELECTRONIC FILING PROJECT

Since 2014, the Court Services Branch has been facilitating a project that will follow a user-experience design model for the development of future electronic filing. In 2016, a beta version of a program that is designed to make filing a Notice of Appeal easier was developed and limited trial runs commenced with specific users in late 2016. In 2017, these limited trial runs continued and the project is expected to be launched sometime in 2018.

ELECTRONIC APPEALS

As detailed in previous annual reports, there are currently two 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 and select records only. In 2017, the Court conducted its fourth and fifth appeals in this series, in *R v. Podolski, O'Donnell and Manolakos* and *Araya v. Nevsun Resources*. In both appeals, the parties relied upon paper condensed books and, as in previous electronic appeals, only a fraction of the electronic record was printed for the Court, saving thousands of pages of copying.

“ In 2017, this pilot program continued and over the year 55 criminal appeals were filed with a fully electronic record (and a matching paper record), a significant increase from the 18 filed in 2016.

In 2017, the Court received the final of three independent evaluations conducted of fully electronic appeals. These evaluations were used to develop an Electronic Appeals Checklist, which will help standardize the electronic appeal process. This checklist is now available from the Registrar’s Office.

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. In 2017, this pilot program continued and over the year 55 criminal appeals were filed with a fully electronic record (and a matching paper record), a significant increase from the 18 filed in 2016.

The Court also acquired tablet computers in 2017 and high-definition computer screens to reduce reader fatigue. However, challenges around funding for training judges remain, as well as obtaining a software solution for efficiently tracking and marking up large electronic documents. In mid-2017, the Court began to approach the National Judicial Institute (NJI) for more formal training for individual judges around the use of electronic documents.

As in previous years, the Court continues to pursue all types of electronic appeals as an access to justice initiative in an attempt to reduce the costs of conducting an appeal. However, the costs of accommodating these practices are significant in terms of staff time, and the Court lacks the proper infrastructure to accommodate these appeals other than on an exceptional basis.

As well, questions around the storage and archiving of large electronic appeals are also looming, which the Court hopes to begin addressing in 2018 with the development of schedules under the *Information Management Act*.

COURTS TECHNOLOGY BOARD

As a collaborative exercise between the judiciary and the Court Services Branch, the Courts Technology Board was designed to:

- ✓ foster and strengthen the sharing of technology initiatives, innovation and information between the judiciary, the Court Services Branch (CSB), and the Ministry of Justice;
- ✓ identify the individual technology needs and priorities to support the work of the Court of Appeal, the Supreme Court, and the Provincial Court within the British Columbia court system;
- ✓ plan how to address the technology needs of each court and CSB within the British Columbia court system, including:
 - identifying resource needs and developing strategies to seek applicable resources as part of the joint priority setting process; and,
 - sharing annual technology plans and timelines.

 In 2017, there were four major releases and 26 discrete enhancements made to WebCATS by the information technology team.

- ✓ provide information about the courts and CSB technology priorities and plans to the Justice and Public Safety Sector Information Management/Information Technology Governance Committee (IM/IT GC), including:
 - sharing, where appropriate, information about project evaluation and performance; and,
 - providing information and respond to questions from Treasury Board and the Office of the Chief Information Officer, where appropriate.

The Board met four times in 2017, in April, June, September and December to discuss such ongoing projects such as:

- ✓ the obtaining and allocation of funding from the Treasury Board to pursue priorities;
- ✓ the improvement of electronic filing systems;
- ✓ the further development of videoconferencing solutions;
- ✓ deficiencies in the Court telephony network;
- ✓ the impacts of electronic ticketing on the Provincial Court; and,
- ✓ improvements to interpreter and transcription services.

ENHANCEMENTS TO WEBCATS

As discussed above, WebCATS is the Court of Appeal’s electronic case management system. Every year, a number of improvements are made in response to user feedback to ensure the system meets the demands of the Court, the Registry, and the public. In 2017, there were four major releases and 26 discrete enhancements made to WebCATS by the information technology team. The following enhancements were the most significant:

- ✓ Improved tracking of multimedia filings;
- ✓ Enhanced flagging of high-security files, sealed files, or those with publication bans;
- ✓ Addition of a public report on upcoming court judgments, both oral and reserve;
- ✓ Enhancements to monthly statistical reporting;
- ✓ Enhancements to the accessibility of electronic documents for judges, such as a “downloader” that made those documents easier and more intuitive to access;
- ✓ Additions to the tracking of statistics for self-represented litigants and pending cases; and,
- ✓ Automated data retrieval and processing for statistics supplied yearly to the Canadian Judicial Council (CJC) for appellate courts.

LAPTOP SECURITY AND TRAVEL

Due to border laws when crossing into the United States, there is potential that US border officials may copy information from computers and smart phones. The Court’s information technology team will be repurposing laptops to be suitable for travel and providing instructions on removing email from smartphones.



Though the Court has an excellent local server infrastructure, the Court will begin to investigate how **secure and cost effective cloud computing can be** as a potential future solution.

CLOUD COMPUTING

Several Court representatives attended the Court Technology Conference in Salt Lake City on 12 – 14 September 2017. A highlight at this conference was a discussion concerning security and cloud computing. Governments and other organizations are using Canadian-based cloud storage solutions more and more frequently. Though the Court has an excellent local server infrastructure, the Court will begin to investigate how secure and cost effective cloud computing can be as a potential future solution.

On May 11-12, 2017 the Education Committee in association with the National Judicial Institute hosted a **Joint Education Seminar for the Courts of Appeal of Alberta and British Columbia.**

EDUCATION COMMITTEE

MEMBERS

The Honourable Mr. Justice Harris
The Honourable Madam Justice Stromberg-Stein
The Honourable Mr. Justice Willcock (Chair)
The Honourable Madam Justice Fenlon
Sally Rudolf, Legal Counsel

The Education Committee is responsible for presenting education programs for the judges of the Court. The Committee organized the following educational programs in 2017-2018:

On February 8, 2017, Professor Ljiljana Biuković of the Allard School of Law at UBC met with the Court to discuss the legal and political consequences of Brexit.

On March 8, 2017, Eyob Naizghi the Executive Director of MOSAIC (Multi-lingual Orientation Service Association for Immigrant Communities) spoke to the Court about immigration to British Columbia and issues facing the immigrant community.

On April 12, 2017 Rick Craig, the Executive Director of the Justice Education Society spoke at a Court meeting on models for access to justice in British Columbia and abroad.

On May 11-12, 2017 the Education Committee in association with the National Judicial Institute hosted a Joint Education Seminar for the Courts of Appeal of Alberta and British Columbia. The Seminar addressed two topics: on May 11, the growing number of cross-border and internet issues in civil and criminal law; and, on May 12, decision-making processes in collegial courts.

On September 13, 2017, Judge Ahmad Natour of Israel's Sharia Court of Appeal and Associate Professor at the Hebrew University of Jerusalem's Faculty of Law spoke about Sharia Law at a court meeting.

At the Court's semi-annual meeting on October 13, 2017, Professor Janine Benedet of the Allard School of Law, formerly co-director of the Centre for Feminist Legal Studies, addressed the Court on the topic of "Difficult Consent Issues in Sex Assault Cases".

On November 8, 2017 members of the Court, Justices Frankel, Bennett and Fitch, led a discussion on Criminal remedies in the Court of Appeal.

Members of the Court have attended a wide range of educational programs offered by various organizations, including the National Judicial Institute, the Canadian Institute for the Administration of Justice, the Federation of Law Societies of Canada, the Continuing Legal Education Society of British Columbia, the Canadian Bar Association, and university law schools. All of these educational activities are intended 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.



A key focus for the Committee was the selection and **installation of new computers** for the judges, masters, registrars and judicial staff.

JOINT COURTS TECHNOLOGY COMMITTEE

MEMBERS

The Honourable Madam Justice Bennett
The Honourable Mr. Justice Willcock
The Honourable Mr. Justice Masuhara (*Chair*)
The Honourable Mr. Justice Myers
The Honourable Madam Justice Adair
The Honourable Mr. Justice Punnett
Timothy Outerbridge, Registrar, Court of Appeal
Frank Kraemer, Q.C., Executive Director and Senior Counsel (*to May 2017*)
Heidi McBride, Executive Director and Senior Counsel (*from June 2017*)
Ryan Wirth, Manager, Information Technology
Cindy Friesen, Director, Supreme Court Scheduling

In 2017, the Committee continued to review technological developments and their impact on the work of the Court of Appeal and the Supreme Court. Committee members also participated in various other technology initiatives. A key focus for the Committee was the selection and installation of new computers for the judges, masters, registrars and judicial staff. Some members of the Committee also represented the Court of Appeal and the Supreme Court on the Courts Technology Board. The Courts Technology Board is a new initiative of the province and courts to provide a forum for joint information technology planning, information sharing, and funding, between the three courts and the Ministry of Attorney General, Court Services Branch.

“The Chief Justices and Chief Judge of British Columbia’s courts have responsibility for the **supervision and control of court records and judicial administration records.**”

JUDICIAL ACCESS POLICY WORKING GROUP

MEMBERS

Karen Leung, Legal Officer, Provincial Court
Caroline Berkey, Legal Officer, Provincial Court
Sally Rudolf, Legal Counsel, Court of Appeal (Chair)
Frank Kraemer, QC, Executive Director & Senior Counsel, Judicial Administration, Superior Courts Judiciary (to May 2017)
Heidi McBride, Executive Director & Senior Counsel, Judicial Administration, Superior Courts Judiciary (June - December 2017) and Legal Counsel, Supreme Court (January - May 2017)
Brenda Belak, Legal Counsel, Supreme Court (from August 2017)
Grant Marchand, Manager, Judicial Resource Analysis & Management Information Systems, Provincial Court
Dan Chiddell, Director Strategic Information & Business Applications, Court Services Branch
Carly Hyman, Director of Policy, Legislation and Issue Management, Court Services Branch (from August 2017)
Jess Gunnarson, A/Director of Policy, Legislation and Issue Management, Court Services Branch (January - April 2017)
Adrienne Hunt, A/Director of Policy, Legislation and Issue Management, Court Services Branch (May - July 2017)
Kathryn Thomson, Legal Policy Advisor

MANDATE OF THE COMMITTEE

The Chief Justices and Chief Judge of British Columbia’s courts have responsibility for the supervision and control of court records and judicial administration records. 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 2017, 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, non-profit and private 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.

Data Governance

In July 2016, the Committee appointed from among its members a Data Governance Working Group to identify and address data governance issues, review existing protocols and consider whether additional or updated court data management documentation is required. In 2017, the Data Governance Working Group met several times to continue this work.



In January 2017, the judicial law clerk program received **149 applications for the 30 law clerk positions** available in the two courts for the 2018 – 2019 term.

LAW CLERK COMMITTEE

MEMBERS

The Honourable Madam Justice Newbury
The Honourable Madam Justice Bennett
The Honourable Mr. Justice MacKenzie (Chair)
The Honourable Mr. Justice Fitch
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 shortlist of candidates for entry into the program, following the first round of interviews conducted jointly by the legal counsel of the Court of Appeal and Supreme Court.

In January 2017, the judicial law clerk program received 149 applications for the 30 law clerk positions available in the two courts for the 2018 – 2019 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 law schools. In February 2017, the legal counsel interviewed 87 of the applicants. Subsequently, the justices of the Court of Appeal Law Clerk Committee interviewed 28 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). Out of the 12 clerks selected in 2017, there are four from the University of British Columbia, two from the University of Victoria, one from the University of Toronto, two from Dalhousie University, two from the University of Ottawa and one from Harvard University.

In October and November 2017, justices 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 2017, 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 legal counsel Heidi McBride, Sally Rudolf, Jill Leacock and Brenda Belak and to Alix Going and Andrea Baedak for their assistance and administrative support.

“
The shift to greater use of and reliance on electronic resources that began in 2016 continued in 2017.
”

LIBRARY COMMITTEE

MEMBERS

Mr. Justice Goepel

Madam Justice Griffin (*Chair until March 2017*)

Madam Justice Ker

Mr. Justice Skolrood (*Chair from April 2017*)

Frank Kraemer, Q.C., Executive Director & Senior Counsel (*to May 2017*)

Heidi McBride, Executive Director & Senior Counsel (*from June 2017*)

Diane Lemieux, Librarian

The shift to greater use of and reliance on electronic resources that began in 2016 continued in 2017. The growing use of electronic materials is assisting the Library to provide services to all of our users regardless of their location. The Committee and the Library staff continue to address the rising cost of print and electronic library materials, modifications and enhancements to electronic resources, and online platforms and the challenge of keeping pace in a digital world, while maintaining access to information from the past. Library staff regularly monitor the use of resources to ensure that the budget is directed towards maintaining the most useful materials.

One of the most visible of the Library's functions is its role in publishing the Courts' reasons for judgment. In 2017, in respect of proceedings in the Court of Appeal, the Library published 292 civil reasons for judgment, 142 criminal reasons for judgment, and 26 family reasons for judgment, for a total of 460 reasons for judgment. In respect of proceedings in the Supreme Court, the Library published 1208 civil reasons for judgment, 457 criminal reasons for judgment and 358 family reasons, for a total of 2023 reasons for judgment.

Considerable work is done by Library staff in publishing reasons for judgment and answering requests from the courts, as well as maintaining the Library collection. The judicial members of the Committee express their special thanks to the Library staff for continuing to provide excellent service to assist the Court in navigating the changing world of legal resources.

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 27, 1994 (Court of Appeal)
- January 1, 2008 (Supernumerary)
- December 31, 2017 (Retired)

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 1, 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 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)

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)
- February 1, 2017 (Supernumerary)

Madam Justice Nicole J. Garson

- March 21, 2001 (Supreme Court)
- May 14, 2009 (Court of Appeal)
- August 11, 2016 (Supernumerary)

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 5, 2012 (Court of Appeal)

Madam Justice Sunni Stromberg-Stein

- December 4, 1989 (Provincial Court)
- February 16, 1996 (Supreme Court)
- June 6, 2013 (Court of Appeal)
- September 1, 2014 (Supernumerary)

Mr. Justice Peter M. Willcock

- June 19, 2009 (Supreme Court)
- June 6, 2013 (Court of Appeal)

Mr. Justice Richard B.T. Goepel

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

- September 30, 2016 (Supernumerary)

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 28, 2015 (Court of Appeal)

Mr. Justice Gregory J. Fitch

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

Mr. Justice John J.L. Hunter

- April 12, 2017 (Court of Appeal)

Madam Justice Barbara L. Fisher

- November 26, 2004 (Supreme Court)
- September 15, 2017 (Court of Appeal)



The Honourable
**Mr. Justice John
J.L. Hunter was
appointed a
judge of the
Court of Appeal
on April 12,
2017.**

CHANGES TO THE COURT'S COMPLEMENT

The Court began 2017 with three vacancies. During the year, there was one additional vacancy created arising from election to supernumerary status of Madam Justice Bennett. There were two appointments to the Court: The Honourable Mr. Justice Hunter, filling the vacancy created by the retirement of Mr. Justice Chiasson and the Honourable Madam Justice Fisher filling the vacancy created by the election of supernumerary status of Madam Justice Garson.

APPOINTMENTS

The Honourable Mr. Justice John Hunter

The Honourable Mr. Justice John J.L. Hunter was appointed a judge of the Court of Appeal on April 12, 2017. He was previously a lawyer at Hunter Litigation Chambers.

Justice Hunter received his LL.B. degree in 1975 after obtaining degrees in International Relations and Political Science. After serving as law clerk for the Chief Justice of British Columbia, Justice Hunter practiced at Davis & Co. before co-founding Hunter Voith Litigation Counsel and subsequently Hunter Litigation Chambers. Through his litigation practice Justice Hunter regularly appeared in the trial and appellate courts of British Columbia and before the Supreme Court of Canada on a wide range of commercial and public law matters, including as *amicus curiae* in the Senate Reform Reference.

Justice Hunter was appointed Queen's Counsel in 1994. Prior to his judicial appointment, Justice Hunter served as President of the Law Society of British Columbia and of the Federation of Law Societies of Canada, lectured as an Adjunct Instructor at the University of British Columbia, and published articles in the areas of appellate litigation and Aboriginal law. Justice Hunter was also elected to the Board of Regents of the American College of Trial Lawyers in 2015.

The Honourable Madam Justice Barbara Fisher

The Honourable Madam Justice Barbara Fisher was appointed a judge of the Court of Appeal on September 15, 2017. She was previously appointed a judge of the Supreme Court of British Columbia in 2005.

Justice Fisher received her LL.B. degree in 1981 after obtaining degrees in Fine Arts and Education, and briefly working as a high school drama teacher. She was called to the bar in 1983 after clerking for the Chief Justice of British Columbia. Justice Fisher articulated at Davis & Co. before enjoying a diverse and successful practice as a civil and administrative litigator, and as law officer to Chief Justice McLachlin and then to Chief Justice Esson of the Supreme Court of British Columbia.

“
The Honourable
Mr. Justice Ian
Donald retired
from the Court
of Appeal on
December 31,
2017.

Prior to her judicial appointment, Justice Fisher also held positions as general counsel to the Office of the Ombudsperson, as general counsel to the Information and Privacy Commissioner, and she served as a British Columbia Treaty Commissioner. Justice Fisher was also chair of the board of the Legal Services Society, and was a member of the board of the Canadian Jewish Congress.

RETIREMENTS

The Honourable Mr. Justice Ian Donald

The Honourable Mr. Justice Ian Donald retired from the Court of Appeal on December 31, 2017. Justice Donald served as a justice on the Court of Appeal for over 23 years. He was named to the Supreme Court of British Columbia in 1989 and to the Court of Appeal in 1994.

Raised in New Westminster, Justice Donald attended law school at the University of British Columbia and was called to the bar in 1969. He then practiced as a litigator with Rankin & Company, where he primarily worked in union-side labour law. He was appointed Queen’s Counsel on December 30, 1985.

Justice Donald was known, both in practice and on the bench, for being fair in all his dealings, for being succinct and incisive in his reasoning and his writing, and for taking an annual long summer break to spend with his wife, Colleen, and their three children on Savory Island.

On February 14, 1994, at his swearing in ceremony after appointment to the Court of Appeal, Justice Donald said the following:

I don’t have a sophisticated philosophy of judging. I have a couple simple rules, which I will now declare and hope that I’ll adhere to them in the years ahead. Number one, not to take myself too seriously; two, to respect the hard work of the trial judges and remember the often difficult circumstances in which they have to make their decisions; three, to listen carefully to the views of my colleagues; and four, and finally, to remember that compassion and mercy are indispensable elements in doing justice.

Over his long career, Justice Donald added much to the jurisprudence of British Columbia and Canada, and his retirement is well deserved. All members of the Court extend warm wishes to him and Colleen for many happy years of satisfying retirement together.



The Court of Appeal welcomed the **appointment of Heidi McBride as the Executive Director and Senior Counsel** to both the Court of Appeal and Supreme Court.

STAFF OF THE COURT OF APPEAL

CHANGES TO STAFFING COMPLEMENT

The Court of Appeal welcomed the appointment of Heidi McBride as the Executive Director and Senior Counsel to both the Court of Appeal and Supreme Court. Ms. McBride replaces Frank Kraemer, Q.C., who served the courts for just under a decade in this position. Preceding Mr. Kraemer’s retirement, Kevin Arens also retired as the Director of Information Technology and Finance. His position was split into two roles, filled by Sanjeev Lal as Manager, Finance and Business Information Analysis and Ryan Wirth as Manager of Information Technology. These roles serve both the Court of Appeal and the Supreme Court.

In the Court of Appeal Registry, the Court welcomed Shelley Gin as Manager and Deputy Registrar, filling the position left by Farrah Asin.

STAFF & POSITIONS

Timothy Outerbridge	Registrar
Sally Rudolf	Legal Counsel
Linda Rainaldi	Legal Counsel
Maria Littlejohn	Associate Registrar
Farrah Asin/ Shelley Gin	Manager & Deputy Registrar
Torri Enderton	Scheduling Administrator
Alix Going	Administrative Associate
Teresa Smith	Judicial Coordinator to Chief Justice Bauman
Christine Gergich/ Rita Mogyorosi	Supervisor and Appellate Court Records Officer

Judicial Law Clerks

Spencer Bass	Ashley Gardner	Maria Oswald
Niles Bond	Wesley Hopkin	Jessica Patrick
Keith Brown	Kristina Mansveld	Jocelyn Plant
Brandon Chung	Andrew Mollard	Madeline Reid

Judicial Staff

Adrien Amadeo	Susan Devenish	Jane Raggatt
Beckie Allen	Bonnie Marcaccini	Harmesh Shahi
Valerie Belina	Cherry Mills	Wayne Ziants
Tina Cheung	Victoria Osborne-Hughes	
Cathy Clough	Lana Pardue	

Registry Staff

Jason Conybeer	Teresa Pol
Felicity Lee	Jennifer Rahiman
Robert Loy	Jon Randall
Joanne Ng	

Superior Courts Document Management Clerks

James Curtis	Katherine Kwon	Darren Scherck
David Delafenetre	Maziar Maymay	

Judicial Administration

Frank Kraemer, Q.C./ Heidi McBride	Senior Counsel and Executive Director
Michelle McConnachie	Director of Human Resources and Support Services
Sanjeev Lal	Manager, Finance and Business Information Analysis
Ryan Wirth	Manager of Information Technology
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
Alex Rodas	Helpdesk Technician
Billy Huang	Helpdesk Technician
Victor Ly	Helpdesk Technician
Lorne Lovett	Business Analyst/Project Manager
Joanne Chong	Business Analyst
Jojo Ho	Software Developer

APPENDIX 1 - CIVIL STATISTICS 2005 – 2017

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
APPEALS FILED:													
Notice of Appeal	550	494	498	530	538	519	480	497	587	607	522	514	484
Leave to Appeal	154	170	144	172	175	131	114	122	100	88	96	84	149
Notice of Appeal & Leave	69	76	55	59	65	55	55	44	28	25	26	25	9
TOTAL FILED	773	740	697	761	778	705	649	663	715	720	644	623	642
COURT DISPOSITIONS:													
Appeals Allowed	137	108	117	100	135	130	116	119	101	101	130	117	112
Appeals Allowed %	46%	38%	42%	42%	43%	45%	42%	49%	37%	40%	50%	41%	40%
Appeals Dismissed	160	174	164	138	180	159	159	125	169	149	131	169	168
Appeals Dismissed %	54%	62%	58%	58%	57%	55%	58%	51%	63%	60%	50%	59%	60%
TOTAL COURT DISPOSITIONS	297	282	281	238	315	289	275	244	270	250	261	286	280
Appeals Concluded in Chambers or Abandoned	492	419	455	449	441	419	436	414	379	420	359	371	348
TOTAL DISPOSITIONS	789	701	736	687	756	708	711	658	649	670	620	657	628
Dispositions as % of Filings	102%	95%	106%	90%	97%	100%	110%	100%	91%	93%	96%	106%	98%
Judgments Reserved (Court)	197	221	197	192	245	233	241	176	201	199	209	226	169
Judgments Reserved (Chambers)	66	79	88	87	63	62	83	80	70	52	70	104	37
Appeals with 5 Justices	1	1	3	2	7	1	3	2	2	3	3	4	4
Court Motions: Reviews	13	19	13	14	20	25	28	19	18	16	26	17	19
Granted	5	5	2	2	4	3	8	3	1	2	1	1	2
Refused	8	14	11	12	16	22	20	16	17	14	25	16	17
Chambers Motions	435	426	423	423	539	503	537	533	536	788	639	719	597
LEAVE TO APPEAL:													
Granted	62	66	58	66	65	47	51	37	37	36	50	36	50
Refused	42	38	42	47	51	30	55	34	24	19	23	26	27
Total	104	104	100	113	116	77	106	71	61	55	73	62	77

APPENDIX 2 - CRIMINAL STATISTICS 2005 – 2017

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
APPEALS FILED:													
Sentence	176	157	149	163	140	114	109	119	108	174	152	85	97
Conviction	142	147	116	123	115	99	112	116	117	87	93	82	95
Summary Conviction	18	15	17	23	12	16	24	14	9	18	10	11	11
Acquittal & Other	60	50	61	50	44	28	39	40	46	30	41	31	43
TOTAL FILED	396	369	343	359	311	257	284	289	280	309	296	209	246
COURT DISPOSITIONS:													
Appeals Allowed	66	76	77	82	69	52	41	35	62	101	44	32	42
Appeals Allowed %	33%	37%	35%	41%	41%	28%	31%	21%	34%	49%	44%	22%	34%
Appeals Dismissed	132	132	140	120	100	137	91	129	121	102	101	114	82
Appeals Dismissed %	67%	63%	65%	59%	59%	72%	69%	79%	66%	51%	56%	78%	66%
TOTAL	198	208	217	202	169	189	132	164	183	203	145	146	124
Summary Dismissals Abandonments in Court/Chambers	161	149	160	139	149	121	99	123	129	76	85	97	111
TOTAL DISPOSITIONS	359	357	377	341	318	310	231	287	312	279	230	243	235
Dispositions as % of Filings	91%	97%	110%	95%	102%	121%	82%	99%	111%	90%	78%	116%	96%
Judgments Reserved (Court)	85	85	81	76	88	88	82	102	97	84	106	78	53
Judgments Reserved (Chambers)	10	10	28	11	11	13	22	28	25	4	8	8	4
Appeals with 5 Justices	1	0	0	2	0	1	1	2	0	0	0	0	2
Chambers Motions	275	298	248	242	265	272	210	295	430	438	484	514	583

APPENDIX 3 - COMBINED STATISTICS 2005 – 2017

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
APPEALS FILED:	1169	1109	1040	1120	1089	962	933	952	995	1029	940	832	888
COURT DISPOSITIONS:	495	490	498	440	484	478	407	408	453	453	406	432	404
Appeals Allowed	203	184	194	182	204	182	157	154	163	202	174	149	154
Appeals Allowed %	41%	38%	39%	41%	42%	38%	39%	38%	36%	45%	43%	35%	38%
Appeals Dismissed	292	306	304	258	280	296	250	254	290	251	232	283	250
Appeals Dismissed %	59%	62%	61%	59%	58%	62%	61%	62%	64%	55%	57%	65%	62%
TOTAL	495	490	498	440	484	478	407	408	453	453	406	432	404
Appeals Concluded in Chambers or Abandoned	653	568	615	588	590	540	535	537	508	496	444	468	459
TOTAL DISPOSITIONS	1148	1058	1113	1028	1074	1018	942	945	961	949	850	900	863
Dispositions as % of Filings	98%	95%	107%	92%	99%	106%	101%	99%	97%	92%	90%	108%	97%
Judgments Reserved	358	395	394	366	407	396	426	386	393	339	315	304	222
Appeals with 5 Justices	2	2	3	4	7	2	4	4	2	3	3	4	6
Chambers Motions	710	724	671	665	804	775	747	828	966	1226	1123	1233	1180