

ANNUAL REPORT



Court of Appeal for British Columbia **2018**

Photo Credit: Roger Mahler

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MESSAGE FROM CHIEF JUSTICE BAUMAN

The Court’s Annual Report provides an important window into the work we do, in and out of the courtroom. I am proud to say that improving access to justice is a central priority in much of that work, and I would like to take a moment to unpack what that means.

The National Action Committee on Access to Justice in Civil and Family Matters states that access to justice means enabling people to avoid, manage, and resolve civil and family legal problems and disputes. This expansive definition is important, but we must not to lose sight of the special leadership role that courts have in advancing access to justice.

In a free and democratic society courts are entrusted with protecting the rule of law – the promise that the law applies fairly to every member of society. Fulfilling this promise requires attention to the nuts and bolts of ensuring that our courts are accessible in the sense of being open, timely, and efficient. It also means that courts must be in tune with different experiences and interpretations of justice.

Regarding access, this report demonstrates, once again, that the number of self-represented litigants navigating appeals without legal counsel remains steady, and troublingly high, particularly in family proceedings. Just over one quarter of civil appeals and applications for leave to appeal, and approximately one third of those related to family matters, involve at least one self-represented litigant.

In 2018 the Court developed a number of projects centered on the experience of self-represented litigants. These include the option of e-filing a simplified notice of appeal and working with Access Pro Bono to reform the Court’s model for matching self-represented people with pro-bono legal assistance.

The Court also continued its hard work on reforming its civil rules with the aim of simplifying the process of bringing and responding to an appeal for self-represented litigants and lawyers alike.

Clear communication of reasons for judgment is integral to the concepts of access and justice. In December 2018 the Court held a media lock-up where the reasons for *R. v. Nuttall* and *R. v. Korody* were made available to members of the media one hour before being released publically. This practice is meant to alleviate the rush to report. We continue to publish all of the Court’s reasons for judgment on our website, including 491 sets of reasons in 2018. Additionally, the Court’s webcast pilot project, aimed at evaluating the value of broadcasting live appeal proceedings, is slated to conclude following a third webcast in early 2019.

“The Court also continued its hard work on reforming its civil rules with the aim of simplifying the process of bringing and responding to an appeal for self-represented litigants and lawyers alike.”

“The Court actively engaged in the 10th and 11th Justice Summits in 2018. Both summits addressed Indigenous justice issues and provided rich learning opportunities for all in attendance.”

The Court actively engaged in the 10th and 11th Justice Summits in 2018. Both summits addressed Indigenous justice issues and provided rich learning opportunities for all in attendance. Also in 2018 the Law Society of British Columbia published its Truth and Reconciliation Action Plan. The plan includes a series of commitments that address the Truth and Reconciliation Commission’s calls to action as they relate to the legal profession. I am heartened to see the report and the commitment to improving Indigenous justice that it represents.

The Court continued its work on all fronts with a reduced complement through much of 2018. However, we warmly welcomed the appointments of Justice Susan Griffin on February 7, 2018, and Justice Bruce Butler on August 29, 2018, which resulted in a brief period at a full complement of 15 judges.

Justice Peter Lowry retired from the Court on June 30, 2018. The Court will miss his concise writing and clarity of thought; we wish him the best in his retirement.

The Court remembers with fondness the Honourable Alan Brock Macfarlane, who passed away on December 10, 2018. His full life included serving the Court of Appeal from 1982 to 1999 with warmth, humour, and rigorous intellect.

The Court also remembers our long-time friend and colleague, the Honourable Ian T. Donald, who passed away on February 15, 2019. Justice Donald served the Court of Appeal with the utmost distinction from January of 1994 to December of 2017. The Court will miss the skill, diligence and compassion that he brought to his work each day. A fuller in memoriam section will be included in the 2019 Annual Report.

I must also acknowledge the exciting changes in leadership that occurred at both the Provincial and Supreme Courts this year. I look forward to working alongside Associate Chief Justice Heather Holmes and Chief Judge Melissa Gillespie in the coming years.

The Court looks forward to continuing its excellent work and leadership in 2019.



REGISTRAR'S REPORT

THE COURT'S ACTIVITY

There was a modest decrease in the number of appeals filed in 2018. There were 863 new appeals filed, down from 888 new appeals filed in 2017. 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 2018, the Court delivered written reserve judgments in 253 appeals (178 civil and 75 criminal) and pronounced judgment with oral reasons in a further 146 appeals (110 civil and 36 criminal). In chambers, the Court gave reserve judgments in approximately 34 civil motions and nine criminal motions.

SITTINGS OF THE COURT

To hear an appeal, the Court sits a minimum of three justices, known as a “division.” In 2018, the Court sat 88 divisions in Vancouver, three more than in 2017. In addition to its Vancouver sittings, the Court sat for six weeks in Victoria, two weeks in Kamloops and three weeks in Kelowna. 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 2018.

CHAMBERS WORK

Motions brought prior to the hearing of an appeal are referred to as “chambers” or “interlocutory” motions. The Court continues to monitor its chambers motions, which have been on an upward trajectory over the last decade. In 2018, the number of motions brought before a single justice in chambers increased to 1,331 motions (676 civil and 655 criminal) as compared with 1,180 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 2018, the Court developed the following projects to enhance the service it provides to self-represented litigants:

- ✓ **Checklists and Templates:** The Court continued to improve the quality of its fillable forms and checklists on the Court website.
- ✓ **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.

“In 2018, the number of motions brought before a single justice in chambers increased to **1,331 motions (676 civil and 655 criminal)** as compared with 1,180 last year.”



In 2018, the Court finalized the implementation of all of the Court of Appeal specific performance measures that were recommended in the report.

- ✓ **Access Pro Bono:** Access Pro Bono provides pro bono representation services for those who qualify. In 2018, the Court entered into discussions with Access Pro Bono to comprehensively reform the model of by which eligible self-represented persons are matched with a lawyer in civil and family cases. The goal is to provide some representation to all civil and family self-represented litigants who wish to avail themselves of this service. This program will launch in the spring of 2019.
- ✓ **“No-Fee” Status Program:** In 2018, 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, five self-represented parties were matched to lawyers who provided them with legal services in their appeals.
- ✓ **E-filing Enhancements to Notice of Appeal:** In late 2018, the Court launched a project that simplified the process for filing a notice of appeal. Using data from the lower Court, the notice of appeal form pre-populates most fields, allowing self-represented litigants (and others) more certainty that they are commencing their appeal correctly. Because the data is automatically drawn from the lower court’s systems, the notice of appeal can also be automatically accepted for filing without the need to attend in person at the registry.

The Court is thankful for the assistance of the various organizations providing valuable and much-needed help to those who may be less able to afford to conduct 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.

In 2018, the Court finalized the implementation of all of the Court of Appeal specific performance measures that were recommended in the report. As mentioned in previous annual reports, the development of a strategic plan for both superior courts is underway, as are court-specific operational plans.



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.

DATA GOVERNANCE

In 2018, the Court entered into discussions with representatives of government to provide more accurate statistical information on the Court's activities. This information is used both for government resourcing decisions and for republication on websites such as DataBC. Previously, information was supplied to the government through an informal reporting process, which produced some inaccuracies. A final, data-sharing arrangement was implemented in 2018, with commencement in early 2019.

EXTRA-JUDICIAL APPOINTMENTS AND ACTIVITIES

In addition to their 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 2018, 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
- ✓ 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



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

- ✓ Cambridge Lectures
- ✓ 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
- ✓ Intellectual Property Institute of Canada

RECORDS AND INFORMATION MANAGEMENT

The Court of Appeal supports a records and information management program based on sound policies and best practices for recordkeeping. Court of Appeal case files are permanently preserved by the government archives according to the Court's Operational Records Classification System (ORCS).

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

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The Court of Appeal worked with the Royal BC Museum to ensure access to court records was being appropriately administered and **identified several process improvements.**

the supervision of the Records Technician and the Document Management Clerk (formerly known as the Ushers) team.

The Records Technician manages the daily receipt, processing, organization, delivery, storage and disposition of Court of Appeal “books” (i.e., appeal books, appeal records, factums, and transcripts) throughout the hearing process. Court Services Branch staff in the Court of Appeal Registry manage the case file (i.e., initiating records, motion materials, correspondence, etc.) separately. Document Management Clerks manage the daily processing, organization, photocopying and distribution of files, mail, and court records for both the Court of Appeal and the 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 2018:

- ✓ **Off-site transfer of Court of Appeal records:** On an annual basis, eligible records are boxed and transferred to off-site storage. In 2018, a total of 243 boxes were transferred to secure off-site storage.
- ✓ **An Operational Records Classification System (ORCS) was drafted:** The ORCS governs the retention and final disposition of Court of Appeal records. It is the first court information schedule drafted under the *Information Management Act* and will likely be approved in early 2019. This is discussed further below in the Planning, Priorities and Access to Justice Committee report.
- ✓ **Court records requests:** The Records Technician processed approximately 138 records requests for appeal books without access restrictions.
- ✓ **Review of storage requirements for sensitive records:** The Court of Appeal reviewed current storage conditions for sensitive records and identified several improvements to be implemented in 2019.
- ✓ **Review of access procedures for Court of Appeal records in the custody of the Royal BC Museum:** The Court of Appeal worked with the Royal BC Museum to ensure that access to court records was being appropriately administered and identified several process improvements.

“In 2018, the Court disposed of precisely the same number of civil appeals that were filed in the calendar year: 605.”

STATISTICS

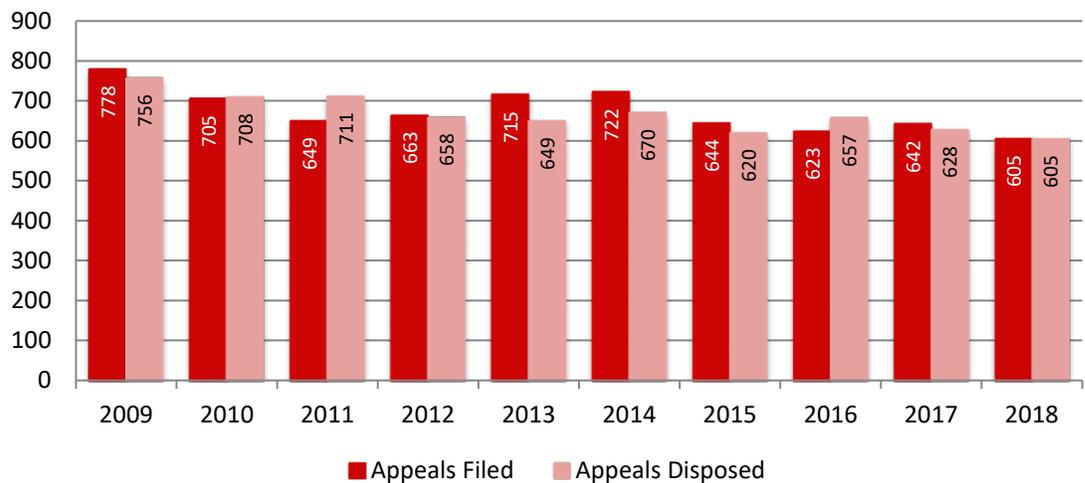
The charts below give a detailed account of the Court’s activity in 2018. The [three appendices](#) at the end of this report provide a detailed historical account of criminal and civil statistics over the last 13 years.

CIVIL APPEALS FILED AND DISPOSED IN 2018

The chart below shows the number of civil appeals filed and disposed from 2009 to 2018.

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 2018, the Court disposed of precisely the same number of civil appeals that were filed in the calendar year: 605. 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 2009 - 2018

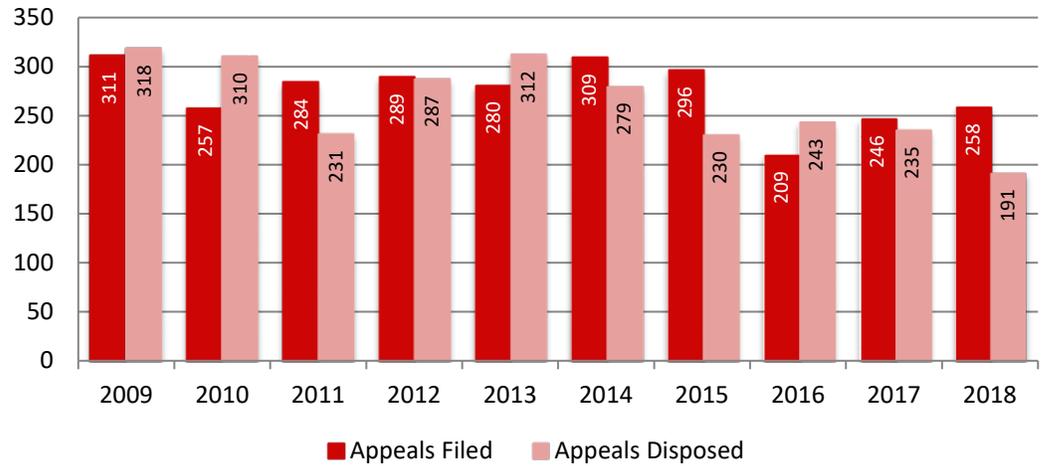


“With 796 appeals disposed of and 863 appeals filed, **92% of appeals were disposed** as a percentage of filings.

CRIMINAL APPEALS FILED AND DISPOSED IN 2018

There was an increase in criminal filings in 2018, from 246 in 2017 to 258 in 2018. In 2018, the number of criminal appeals disposed of decreased. The Court disposed of 191 criminal appeals, or 74% of the 258 criminal appeals filed.

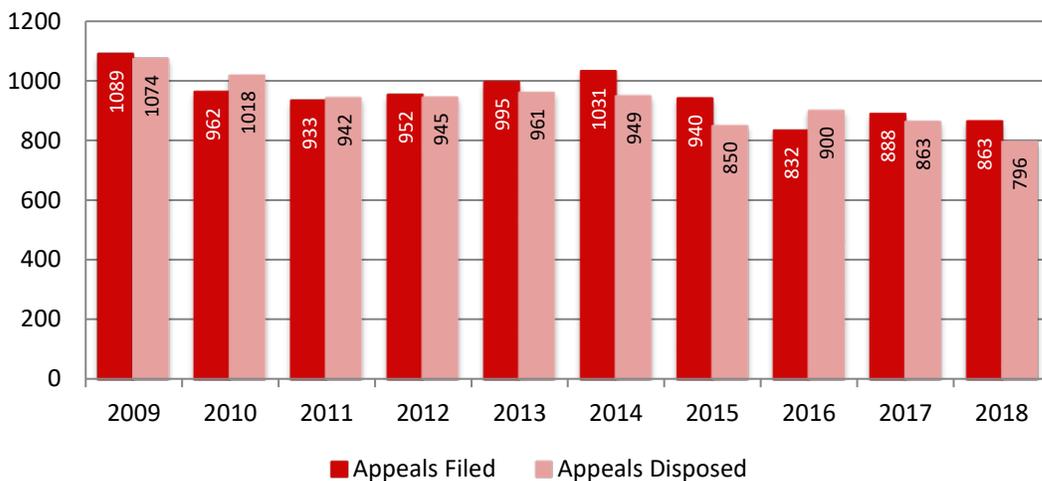
Criminal Appeals Filed and Disposed 2009 - 2018



TOTAL APPEALS FILED AND DISPOSED IN 2018

For a more complete picture of total activity, the chart below combines the civil and criminal filings and dispositions. With 796 appeals disposed of and 863 appeals filed, 92% of appeals were disposed of as a percentage of filings.

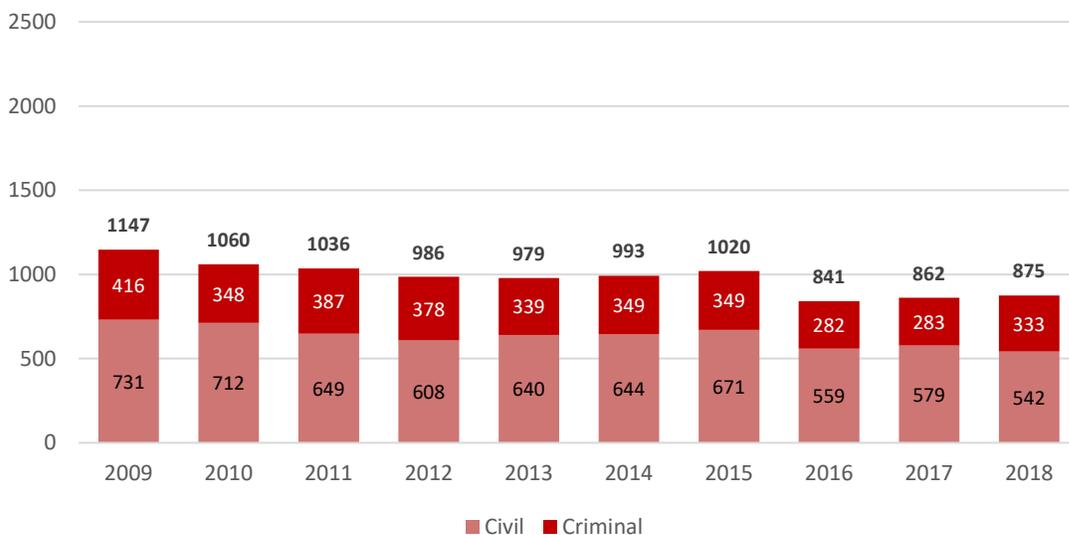
Total Appeals Filed and Disposed 2009 – 2018



PENDING CASES BY YEAR

As appeals are filed and disposed of 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 this historical data. From 2008 to 2016, however, the measurements may be accurate to a deviation of plus or minus 10%. Data from 2017 and 2018 is accurate to a deviation of plus or minus 3%.

Pending Cases - Civil & Criminal 2009 - 2018



“ In 2018, a total of 605 civil appeals were filed. Of those filed in 2018, 14% (86 of 605) were applications for leave to appeal.

TYPES OF CIVIL APPEALS FILED

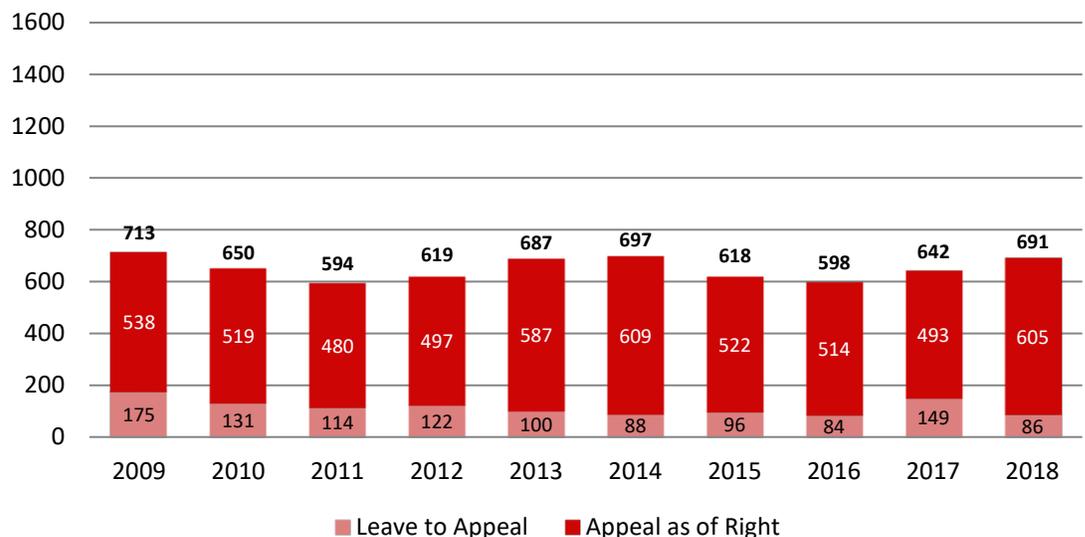
In 2018, a total of 605 civil appeals were filed. Of those filed in 2018, 14% (86 of 605) were applications for leave to appeal. Before appealing certain types of orders, litigants must get permission, or “leave”, to bring an appeal to the Court. The Court heard a total of 68 leave to appeal applications in 2018, granting 43, or 63%.

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 whereby 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.

The number of appeals started by leave to appeal saw a spike in 2017, the year of the transition, but have fallen back to historical levels in 2018, where there were 86 Notices of Application for Leave to Appeal filed (compared to 149 in 2017).

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 2009 - 2018



“ In 2018, there were **107 sentence appeals filed** and **118 conviction appeals filed**.

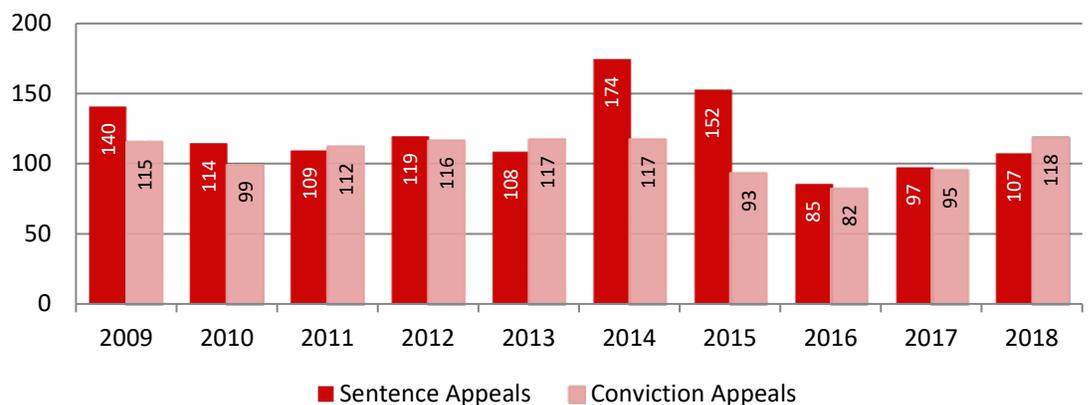
Civil Leave to Appeal Applications Heard vs. Granted 2009 - 2018



TYPES OF CRIMINAL APPEALS FILED

In criminal matters, appeals from convictions and acquittals take up most of the Court’s hearing time. Sentence appeals and summary conviction appeals require less time. The chart below gives a comparison of criminal appeals filed between 2009 and 2018. In 2018, there were 107 sentence appeals filed and 118 conviction appeals filed. There were 34 acquittal, summary conviction and other appeals filed.

Criminal Appeal Filings 2009 – 2018

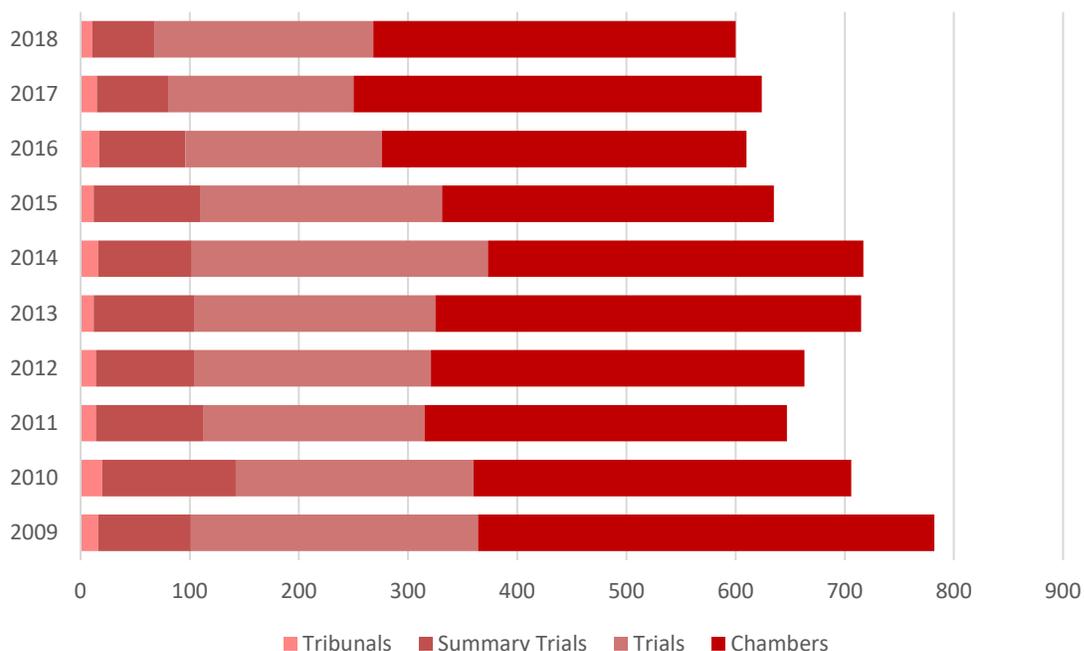


“
 In 2018,
 approximately
**65% of civil
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ORIGIN OF CIVIL APPEALS

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 of appeals according to the underlying proceeding. In 2018, approximately 65% of civil appeals were from chambers matters and summary trials.

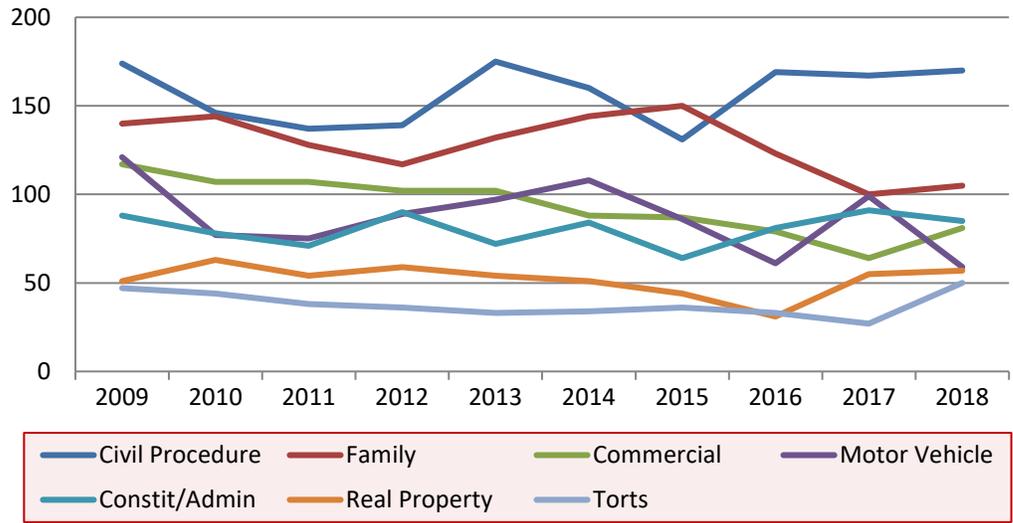
Origin of Civil Appeals 2009 - 2018



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 2009 and 2018 by number of appeals.

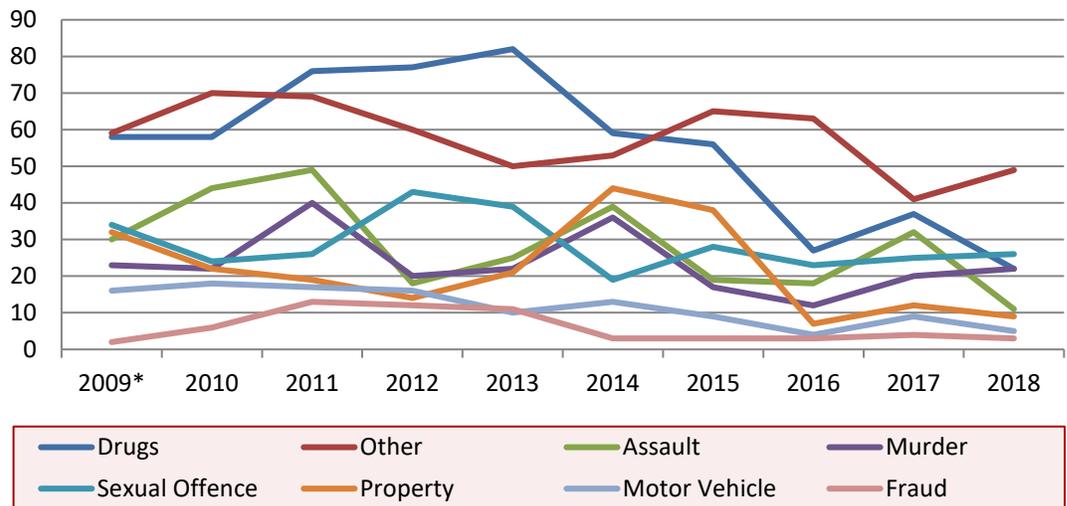
Civil Case Categories 2009 - 2018



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 2009 and 2018 by number of appeals. “Other” covers various offences, such as arson and mischief as well as extradition and *habeas corpus* appeals.

Criminal Categories Appeals 2009 - 2018



* Correction made

“ In 2018, the proportion of civil appeals allowed was **40% of the total civil appeals heard** (104 allowed, 155 dismissed).

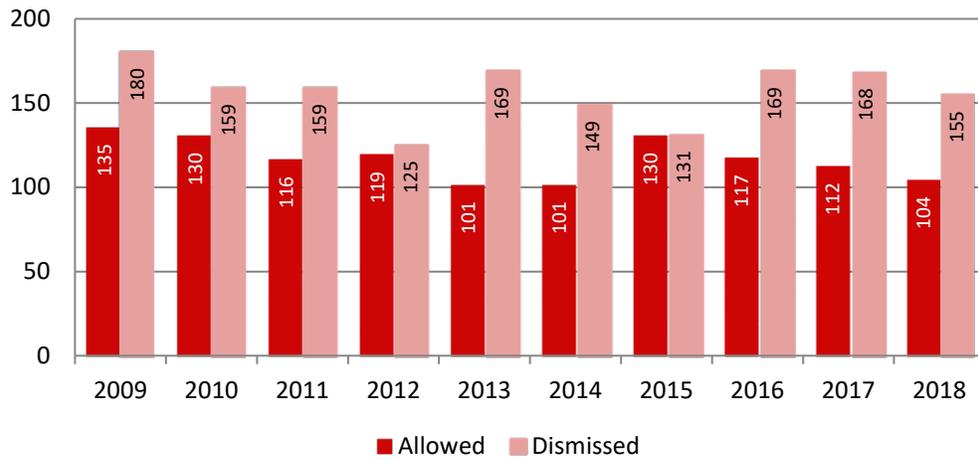
APPEALS ALLOWED AND DISMISSED

An appeal is “allowed” when the Court overturns or varies the order under appeal from the lower court or tribunal. In 2018, the proportion of civil appeals allowed was 40% of the total civil appeals heard (104 allowed, 155 dismissed). For criminal appeals, 26% were allowed (30 allowed, 83 dismissed).

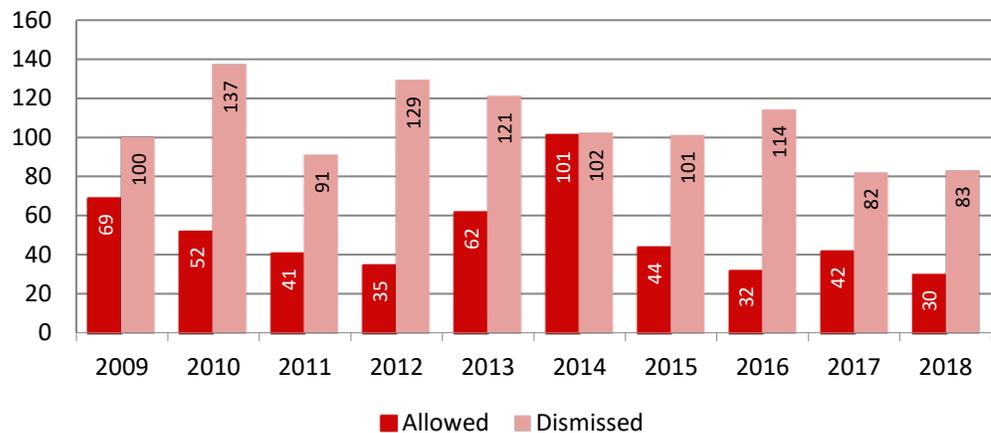
The “allowed” statistics include appeals partially allowed by any variations in the order under appeal. The number of minor variations, or appeals allowed in part, is not insignificant. In 2018, there were 25 civil appeals allowed in part, or 24% of the 104 allowed. There were seven criminal appeals allowed in part, or 23% of the 30 allowed.

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

Civil Appeals Allowed/Dismissed 2009 – 2018



Criminal Appeals Allowed/Dismissed 2009 – 2018



“ In 2018, out of 605 civil appeals and applications for leave to appeal filed, **157 appeals (26%)** were appeals or applications for leave to appeal involving at least one self-represented litigant.

SELF-REPRESENTED LITIGANTS

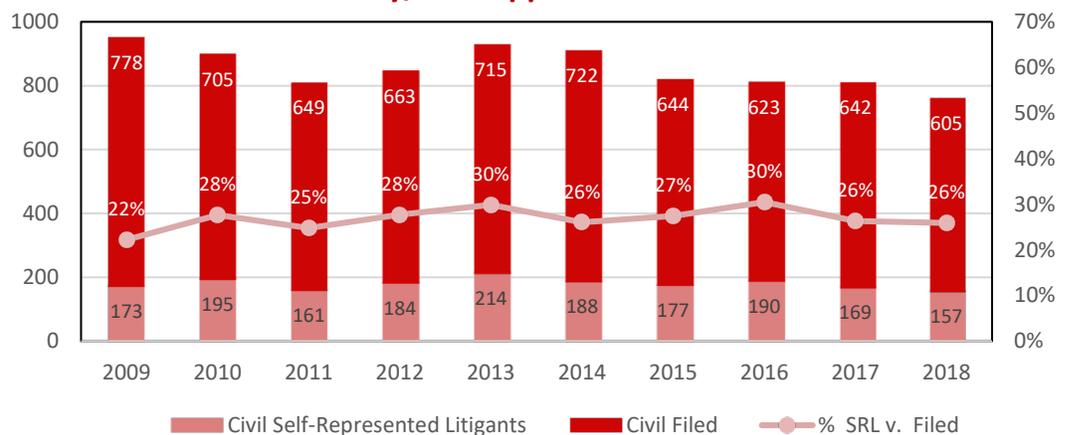
The charts below compare the number of civil appeals where at least one party was self-represented in a new appeal filed between 2009 and 2018 with the total number of civil appeals filed in those years.

In 2018, out of 605 civil appeals and applications for leave to appeal filed, 157 appeals (26%) were appeals or applications for leave to appeal involving at least one self-represented litigant. This remains the same as in 2017, where the figure was 26%.

Out of the 157 appeals filed, 83% involved self-represented appellants and 17% involved self-represented respondents. Of 259 civil appeals disposed of by the Court in 2018, 54 cases (21%) involved at least one self-represented litigant. This is a decrease from 2017, where the figure was 63 of 280 (23%).

The graph below illustrates the trend between 2009 and 2018.

Civil Appeals Filed With a Self-Represented Party/Civil Appeals Filed 2009 - 2018



In 2018, out of 105 family appeals or applications for leave to appeal filed, 36 appeals (34%) were appeals or applications for leave to appeal involving at least one self-represented litigant. This is a decrease from 2017, where the figure was 43 out of 101 (43%).

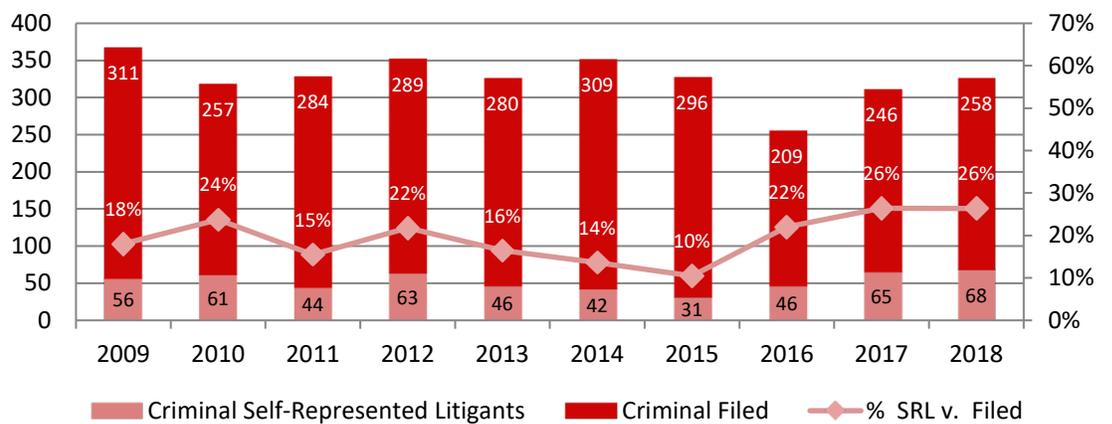
Out of the 36 family appeals filed involving self-represented litigants, 62% involved self-represented appellants and 38% involved self-represented respondents. Of the 32 family appeals disposed of by the Court in 2018, 8 cases (25%) involved at least one self-represented litigant. This is a decrease from 2017, where the figure was 16 of 37 (43%).

“ Out of the 68 criminal appeals filed, 88% involved self-represented appellants and 12% involved self-represented respondents.

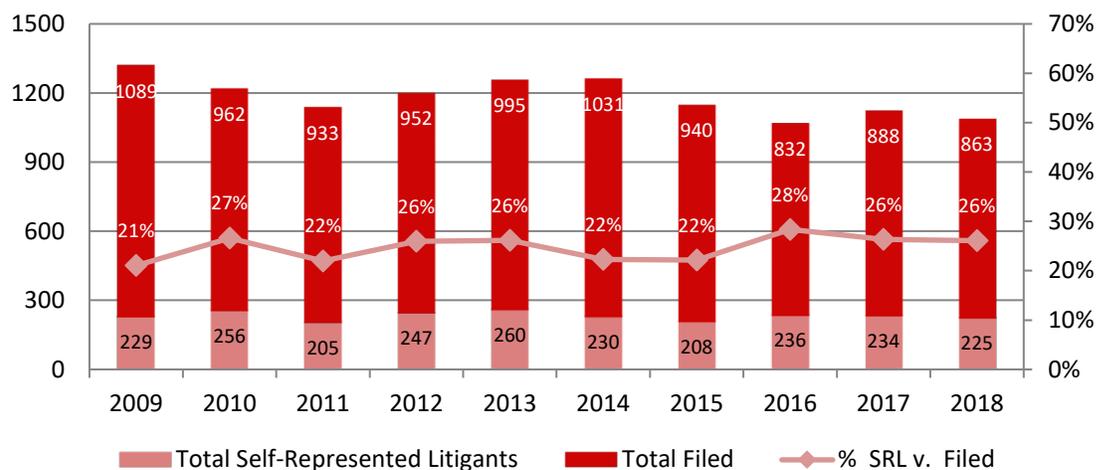
Turning to criminal appeals, out of 258 appeals or applications for leave to appeal filed, 68 appeals (26%) were appeals or applications for leave to appeal involving at least one self-represented litigant. This remains unchanged from 2017, where the figure was 26%.

Out of the 68 criminal appeals filed, 88% involved self-represented appellants and 12% involved self-represented respondents. Of the 113 criminal appeals or applications for leave to appeal disposed by the Court in 2018, 10 (9%) involved at least one self-represented litigant. This is a decrease from 2017, where the figure was 14 of 124 (11%).

Criminal Appeals Filed With a Self-Represented Party/Criminal Appeals Filed 2009 - 2018



Total Appeals Filed with Self Represented Litigants/Total Appeals Filed 2009 - 2018



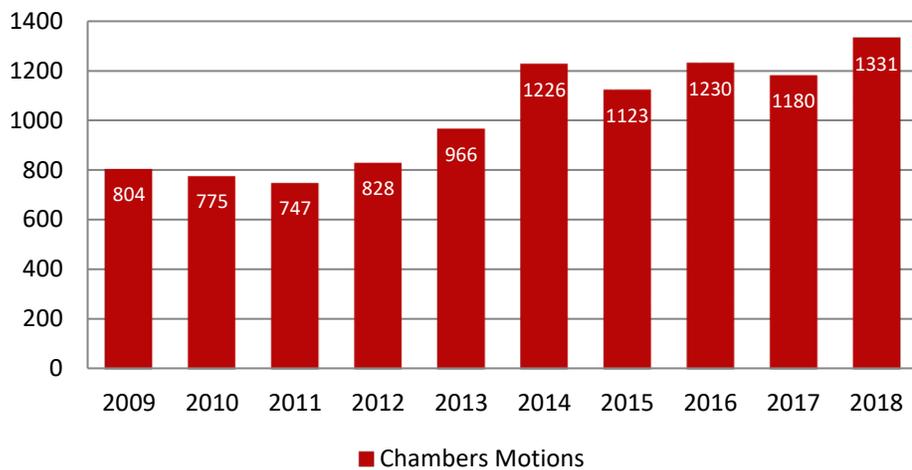
“ In 2018, there were **five family law cases** that were case managed and **eight civil matters** case managed.

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.

Chambers Motions Criminal and Civil, 2009 - 2018

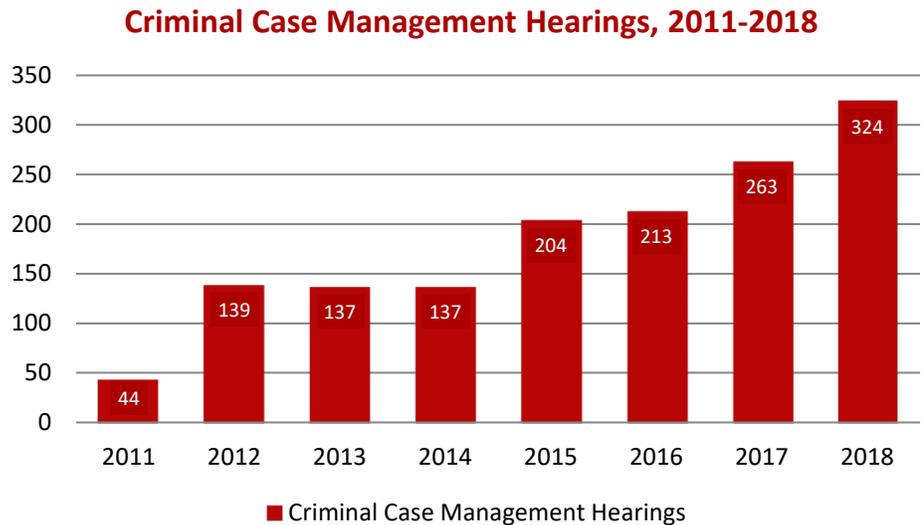


Part of the work in chambers includes the case management of appeals, which are captured in the statistic above. The Court applies a form of focused case management; only seeking to manage those appeals where deadlines are missed or where the parties request the Court’s assistance.

In 2018, there were five family law cases that were case managed and eight civil matters case managed. Civil case management is largely confined to family law cases involving adoption, child support, custody and access or child protection issues. On 28 February 2018, the Chief Justice issued *Case Management of Family Law Appeals* (Civil Practice Directive, 28 February 2018). This practice directive aligned the case management of family law appeals with the Court’s broader philosophy in civil cases of providing targeted case management. This ensures that case management resources are used only for those appeals where it would be truly worthwhile. The previous practice, under *Family Law Appeals* (Civil Practice Directive, 19 September 2011), saw most family law cases automatically referred to case management when a filing deadline was missed.

“ In 2018, the Registrar conducted two more hearings than in 2017. In 2018, there were **61 hearings out of 89 scheduled.** ”

On the criminal side, 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 yet another significant increase in 2018.



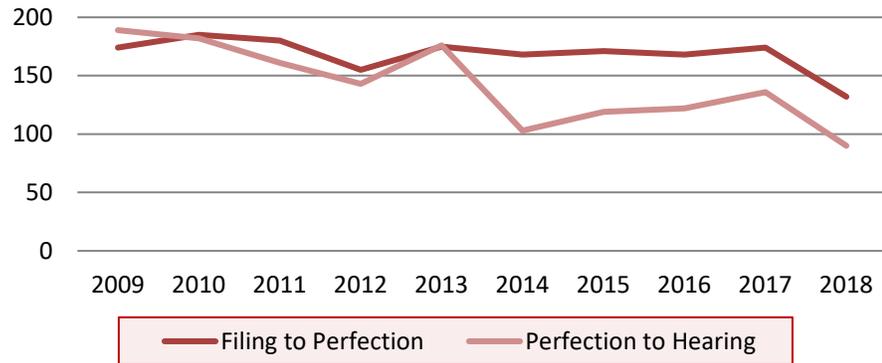
REGISTRAR’S HEARINGS

In 2018, the Registrar conducted two more hearings than in 2017. In 2018, there were 61 hearings out of 89 scheduled. Within those hearings, 43 court orders were settled, 55 bills of cost were assessed, nine sets of books were settled, two case management conferences were held in respect of electronic appeals, and two criminal appeals were case managed. In 2018, one decision of the registrar was reviewed by a justice in chambers and that review was dismissed.

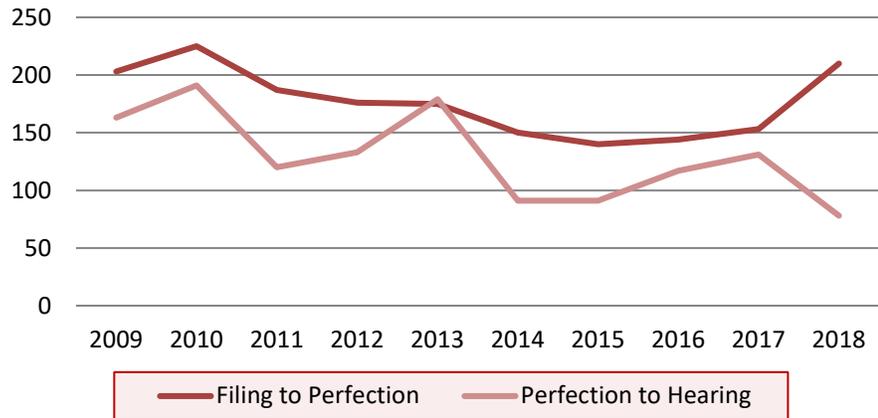
TIME LAPSE STATISTICS: FILING TO HEARING

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.

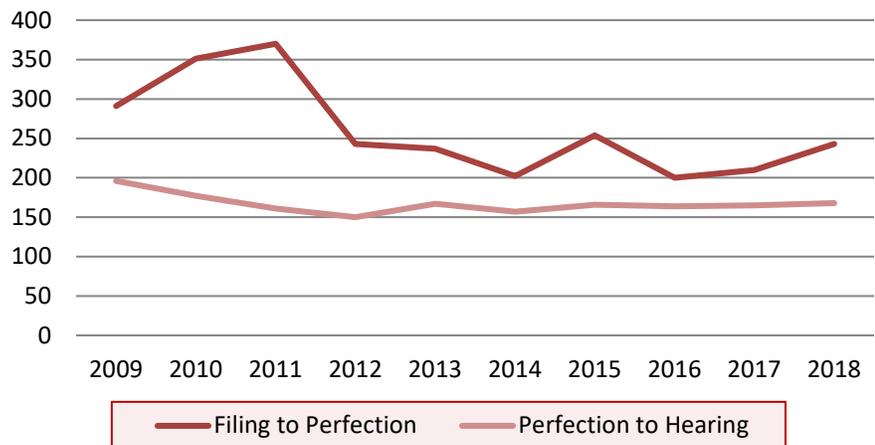
Civil 2009 - 2018



Family 2009 - 2018

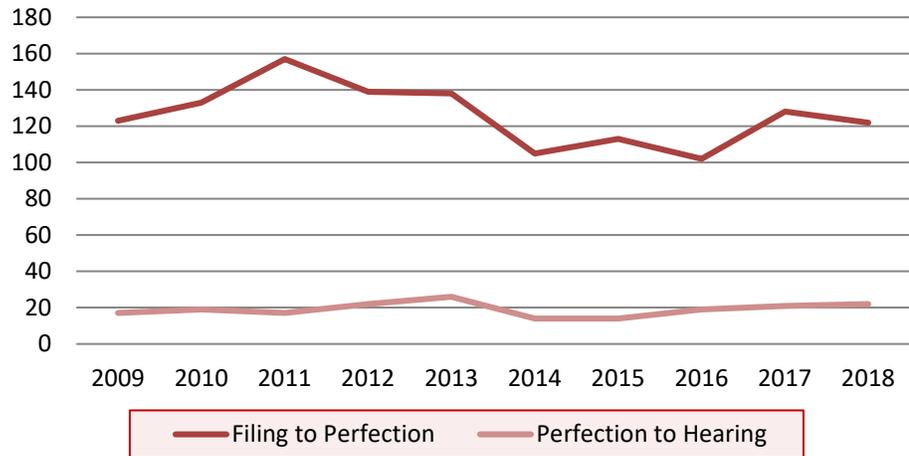


Conviction 2009 - 2018



“ In 2018, the Court issued reserve judgments in 64% of civil cases decided and in 62% of criminal cases decided.

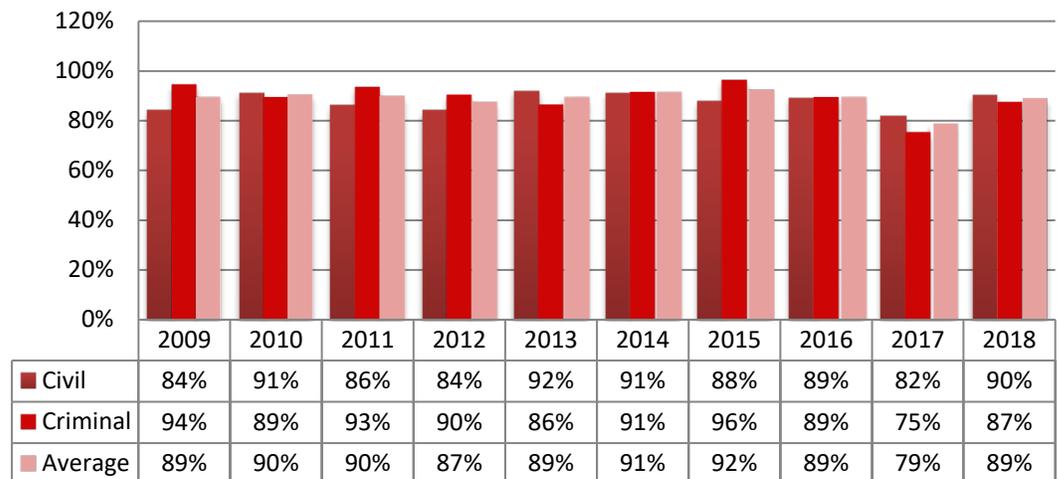
Sentence 2009 - 2018



TIME LAPSE STATISTICS: HEARING TO JUDGMENT

The Canadian Judicial Council provides a six-month guideline for the release of reserve judgments. 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. For the purpose of this statistic, the Court counts only its reserved written judgments, as reserved oral judgments are usually delivered very shortly from the date they are reserved. In 2018, the Court issued reserve judgments in 64% of civil cases decided and in 62% of criminal cases decided.

Percentage of Reserve Judgments Released within Six Months Guideline 2009 - 2018



“
In 2018, 11% of leave applications from British Columbia to the Supreme Court of Canada were successful (6 of 57 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 2018, 11% of leave applications from British Columbia to the Supreme Court of Canada were successful (6 of 57 considered). Out of the 149 appeals heard by the Supreme Court of Canada from British Columbia between 2007 and 2018 (inclusive), 49% (73) were dismissed and 51% (76) were allowed.

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018*
B.C. Leave Applications Submitted	105	61	70	66	76	71	76	81	64	76	65	71
Granted	20	9	13	10	11	14	8	9	10	12	9	6
Dismissed	83	50	56	52	60	54	62	71	51	60	54	57
Reserved	0	0	0	0	0	0	0	0	0	0	1	7
Discontinued	1	0	0	1	2	0	0	0	1	2	1	0
Extension of time - dismissed	1	1	1	2	2	2	2	1	1	1	0	1
Quashed	0	0	0	1	0	0	0	0	0	0	0	0
Remanded	0	1	0	0	1	1	4	0	1	1	0	0
Percentage from B.C.	17%	12%	14%	14%	14%	13%	14%	16%	13%	13%	13%	15%
B.C. Appeals Heard	13	20	9	13	13	14	12	8	10	17	12	8
Allowed	6	10	6	7	4	6	5	6	3	9	4	2
Dismissed	7	10	3	6	9	8	7	2	7	8	5	1
Reserved	0	0	0	0	0	0	0	0	0	0	3	5
Percentage from B.C.	25%	24%	13%	20%	19%	18%	16%	10%	16%	27%	18%	12%

*As of January 22, 2019

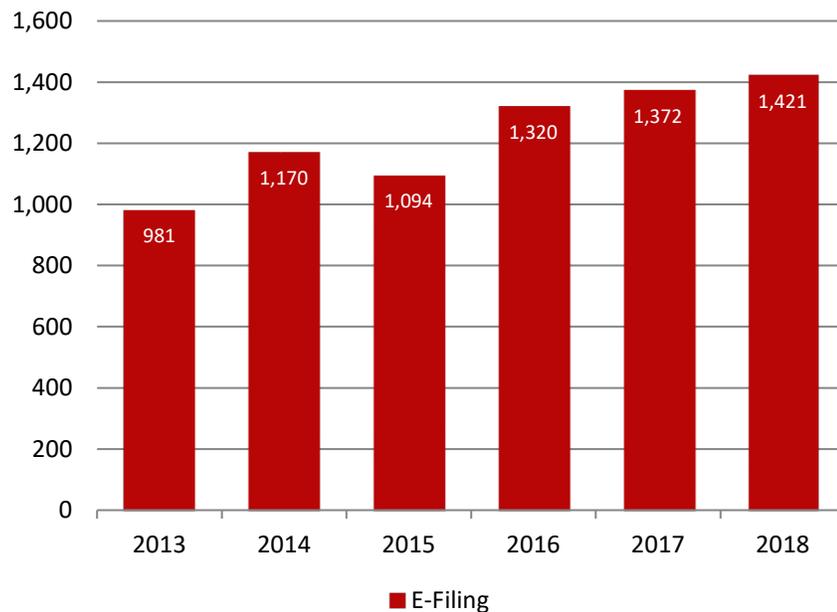
“ In 2018, the most commonly e-filed documents were Notices of Appearance with 325 filings, followed by affidavits with 263 filings, and Notices of Appeal with 130 filings.

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 2018, the most commonly e-filed documents were Notices of Appearance with 325 filings, followed by affidavits with 263 filings, and Notices of Appeal with 130 filings.

Trends: E-Filing 2013 - 2018



“The Chief Justice reported to the Court in 2018 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 2018:

ACCESS TO JUSTICE BC & JUSTICE SUMMITS

The Chief Justice reported to the Court in 2018 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 provides support to initiatives and encourages justice system institutions and professionals to adopt the “Triple Aim” methodology, which will focus projects on three objectives: improved user experience, improved population outcomes, and improved costs. Updates on Access to Justice BC initiatives can be found on the Access to Justice BC website and the Chief Justice’s blog at www.accesstojusticebc.ca.

The 10th and 11th Justice Summits, both focused on Indigenous Justice, took place, respectively, on June 1–2 and November 2–3, 2018.



In 2018, the Court **concluded a project to evaluate the methods and timelines by which it archives its records**, largely in response to the *Information Management Act*, passed in 2015.

BUSINESS PROCESS REVIEW

The Court of Appeal (along with the Supreme Court) completed a business process review that was delivered to the Chief Justices in March 2017. Because of the review, the Court is able to provide updates number of initiatives, including:

- ✓ **The development of strategic and operational plans:** The Superior Courts continue their work on the development of both strategic and operational plans;
- ✓ **A review of the Court’s judgment proofing and release process:** This review concluded with a number of changes to the process around the release of oral judgments in 2018, specifically focused on ensuring consistent practices through proper business mapping;
- ✓ **The development of internal and external court metrics:** All recommended metrics suggested in the 2017 business process review have been realized;
- ✓ **A data-quality audit:** The Court’s data-quality audit concluded in 2018, but the Court will continue to audit its data year-over-year, to the extent the budget permits;
- ✓ **Various enhancements to the Court’s case management system:** Through the Court’s Technology Board and in other venues, the Court continues to press the need for further development of its case management systems, as recommended in the 2017 report;
- ✓ **Enhanced electronic filing and electronic appeals:** The Court continues to seek potential funding for both enhancements to the existing electronic filing system, which is operated by the Court Services Branch, and further support for its electronic appeals program.

ACCESS TO JUSTICE RESEARCH FRAMEWORK WORKING GROUP

A Court representative was appointed to the Research Framework Working Group, the aim of which is to develop consistent metrics across various areas of the justice system. The group is part of the Access to Justice Centre for Excellence at the University of British Columbia.

NEW SCHEDULES UNDER THE *INFORMATION MANAGEMENT ACT*

In 2018, the Court concluded a project to evaluate the methods and timelines by which it archives its records, largely in response to the *Information Management Act*, passed in 2015. The schedules used to archive court records were last approved in 1993. Most records of the British Columbia Court of Appeal are archival records to be kept indefinitely.

“ On 19 December 2018, the Court released reasons in *R v. Nuttall and R v. Korody, 2018 BCCA 479*, using the **virtual counsel lockup and in-person media lockup process.**

Under the new schedules, the archival nature of these records is unchanged. However, the periods in which these records are kept in the Court’s custody have been harmonized to ensure that related records are being transferred together to the Government Records Service, making it easier for future researchers to find court records efficiently.

The new schedules also account for the rise of electronic records and the need to archive the contents of the Court’s electronic case management system and electronic appeals submitted on multimedia devices. These schedules were approved by the Court in November and it is hoped these schedules will receive government approval and be implemented in 2019.

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, insofar as staffing and resource requirements permit. On 19 December 2018, the Court released reasons in *R v. Nuttall and R v. Korody, 2018 BCCA 479*, using the virtual counsel lockup and in-person media lockup process.

APPEALS AND CHAMBERS MATTERS BY VIDEOCONFERENCE

As reported in 2017, the Court continues to pursue the possibility of conducting appeals and chambers applications through videoconference. Due to significant enhancements in government networks in 2018, the Court is moving closer to allowing more videoconferencing. The final implementation of further use of videoconferencing still requires proper staffing and further technological enhancements. As well, the cost of reliable and clear videoconferencing, when done on a full-recovery basis, may be a disincentive for counsel’s participation in civil and family matters. These issues were also considered more fully by the Technology Committee and the Courts Technology Board, reported below.

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). In 2018, the Court published 21 corrected judgments out of a total of 491

“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.”

judgments, or 4.27%. This was a significant improvement from 2017, where there were 47 corrected judgments out of a total of 460, or 10.2%.

WEBCASTING

In 2018, the Court did not conduct a webcast of its proceedings, but there are several appeals scheduled in 2019 for which webcasting may be appropriate.

STRATEGIC PLANNING

On 21 February 2018, the Court hosted Chief Justice Crampton of the Federal Court to share his thoughts with the Court on the strategic planning process. Chief Justice Crampton provided background on the Federal Court’s five-year strategic plan and its uses both internally to the Court and externally to the government and the public.

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 both June and October 2018, the Chief Justice spent a week in Ukraine discussing judicial reform projects with the National Judicial Institute.

PRIVACY WORKING GROUP

The Court received a report from this sub-committee examining the effect of the rapid dissemination of information through the internet on personal information in judgments. Due to staffing limitations, the work of this committee was suspended in 2018, to resume in 2019.

SELF-HELP WEBSITE

The Court’s [self-help website](#) is a partnership between the Court of Appeal and the Justice Education Society. In 2018, the self-help website had 6,859 visitors and 35,124 page views, with an average on-site time of 3.4 minutes. 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.

THREE COURTS’ POLICY ON ELECTRONIC DEVICES

An amendment was made to the Provincial, Supreme and Court of Appeal [Policy on the Use of Electronic Devices in Courtrooms](#). The changes clarify the use that can be made of electronic devices during ceremonies and to provide direction to media on retention and destruction of audio recordings used to verify their notes.

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

SELF-REPRESENTED LITIGANTS PILOT PROJECT

Throughout 2018, the Registrar entered into discussions with [Access Pro Bono](#) and other stakeholders about the number of self-represented parties in civil and family appeals. A new program for providing representation was conceived with Access Pro Bono that would enhance the participation of lawyers willing to donate their time. The goal of the program is to provide some form of representation to every self-represented person in civil and family cases. The program is experimental and set to be implemented in early 2019. This will be an enhancement of the regular roster program, described below.

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 2018 are:

Abudi Awaysheh	Malcolm Funt	Nathan Muirhead
Trevor Bant	Claire Hunter	Matthew Nied
Meera Bennett	Joshua Hutchinson	Julia Roos
Rosalie Clark	Joe McArthur	Jeremy Shragge
Simon Coval	Peter Mennie	Michael Stephens
		Kate Feeney

The Court of Appeal Roster Program coordinators also put in many volunteer hours reviewing cases for merit. These coordinators are 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, 2016 and 2017, the work of the committee in 2018 was focused largely 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 would significantly change the Court’s practice and procedure.

The following matters were considered in 2018:

CIVIL APPEAL ACT AND RULE REFORM PROJECT

As in 2015, 2016 and 2017, the work of the committee in 2018 was focused largely on the project to amend the civil Act and the Rules. The Court awaited the assignment of legislative drafting resources from government to pursue the project to the final stages of development and consultation. As discussed in the 2018 report, the Court remains hopeful that amendments may be subject to a final round of consultation with proclamation to follow.

FAMILY LAW CASE MANAGEMENT

The Committee reviewed the existing practices in family case management, including statistics provided by the Registrar. The Committee agreed to a more targeted process for referring matters to family case management, discussed above in the case management statistics section of this report.

CRIMINAL ADVISORY COMMITTEE

Two meetings were held in 2018 with representatives of the criminal bar to discuss improvements to criminal practice and procedure. On 5 February 2018 and 23 October 2018, the Court met with representatives of the Legal Services Society (LSS) to discuss processes around applications made under s. 684 of the *Criminal Code* for the appointment of counsel. Full discussions with all counsel followed, centered particularly on the materials being ordered for the purposes of these applications. The issue of abating criminal appeals when an appellant or respondent has died was also discussed. Finally, the Court has suggested it pursue wholesale amendments to the existing *Court of Appeal Criminal Appeal Rules, 1986* to account for the Court's approach to the progress of criminal appeals. It was agreed that this project would have to await the completion of changes to the civil Act and Rules.

PRACTICE DIRECTIVES ISSUED OR UPDATED

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

Case Management of Family Law Appeals (Civil Practice Directive, 28 February 2018)

This Practice Directive was changed to allow for more targeted case management in family law appeals and to allow for parties to request case management. It replaces an earlier directive that triggered case management automatically when a deadline was missed.

Consent Orders (Civil Practice Directive, 28 February 2018)

This Practice Directive was issued to clarify circumstances when consent orders should be submitted with an explanatory letter to ensure the terms sought are accurately understood by the Court.

Publication Bans and Sealing Orders (Civil Practice Directive, 4 June 2018)

This Practice Directive was issued to clarify the Court's practices when dealing with publication bans or sealing orders issued by the court under appeal.

Frequently Cited Authorities (Civil & Criminal Practice Directive, 28 September 2018)

The Court updated this Practice Directive, which provides a list of authorities that parties do not need to fully reproduce in their books of authorities.



In late 2018, the Court informally launched its new Notice of Appeal e-filing project, which pre-populates the Notice of Appeal form by drawing on data from the Supreme Court of British Columbia in civil and family cases.

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 2018:

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 late 2018, the Court informally launched its new Notice of Appeal e-filing project, which pre-populates the Notice of Appeal form by drawing on data from the Supreme Court of British Columbia in civil cases.

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 factums and other select records in paper. In 2018, the Court conducted its sixth, seventh, eighth and ninth fully electronic appeals in the following cases: *J.P. v. British Columbia (Director of Child, Family and Community Services)* / *J.P. v. B.G, Conseil Scolaire Francophone De La Colombie-Britannique v. British Columbia*; *R v. Nuttal/R v. Korody*; and *R v. Rajatnam et al.* In these 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 2018, this pilot program continued and, over the year, **68 criminal appeals were filed with a fully electronic record** (and a matching paper record) – a significant increase from the 55 criminal appeals filed in 2017.

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 2018, this pilot program continued and, over the year, 68 criminal appeals were filed with a fully electronic record (and a matching paper record) – a significant increase from the 55 criminal appeals filed in 2017.

As reported in 2016 and 2017, challenges around funding for training judges remain, as well as obtaining a software solution for efficiently tracking and marking up large 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 resources. 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 becoming more urgent. The Court hopes to begin addressing these issues in 2019 with the completion of modern records retention schedules under the *Information Management Act*.

VIDEOCONFERENCING OF APPEALS AND CHAMBERS

For some time, the Court has been pursuing the idea of conducting more of its proceedings through videoconference. In April 2018, the Court approved a resolution that would allow it to conduct both appeals and chambers work by videoconference. Through the Courts Technology Board, the Court is exploring this possibility. However, the Court’s ability to realize it is highly dependent on available resources, such as videoconferencing units and staff to maintain and operate them in remote locations.

COURTS TECHNOLOGY BOARD

The Courts Technology Board is a collaborative exercise between the judiciary and the Court Services Branch. As reported previously, the Courts Technology Board is designed to foster and strengthen the sharing of technology initiatives, innovation and information between the judiciary, the Court Services Branch, and the Ministry of Justice, as well as to identify and plan how to address various technological needs.

The Board met four times in 2018 – in March, June, September and December – to discuss such ongoing projects as:

- ✓ obtaining and allocating funding from the Treasury Board to pursue priorities;
- ✓ improving electronic filing systems and the implementation of a digital content strategy;
- ✓ a videoconferencing case for capital funding and an overall strategy;

- ✓ liaising with the Justice Transformation Council;
- ✓ coordinating a “hack-a-thon”/AI Challenge; and
- ✓ improvements to interpreter and transcription services.

ENHANCEMENTS TO WEBCATS

As discussed earlier, 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 2018, there were two major releases and 10 discrete enhancements made to WebCATS by the information technology team. The following enhancements were the most significant:

- ✓ changes were made to better track the transcription of oral reasons;
- ✓ improvements were made to enhance statistics for reporting purposes; and
- ✓ improvements were made to facilitate new programs to allow referrals to pro bono counsel for self-represented litigants.

DEMONSTRATIONS TO OTHER COURTS

In 2018, the Chief Justice of the Federal Court of Appeal and the Chief Justice of the Court of Appeal of New Brunswick both visited the British Columbia Court of Appeal to preview the Court’s case management and e-filing systems.



The Education Committee is responsible for presenting education programs for the judges of the court in furtherance of the objectives identified in the Canadian Judicial Council Professional Development Policies and Guidelines.

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 in furtherance of the objectives identified in the Canadian Judicial Council's Professional Development Policies and Guidelines. The Judicial Council has recognized that judicial education demands a three-dimensional approach encompassing: (a) substantive content; (b) skills development; and (c) social context awareness. The policy recognizes that individual judges are accountable for their own ongoing professional development. 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, the Continuing Legal Education Society of British Columbia, the Canadian Bar Association, and university law schools. The Education Committee seeks to assist the Court by identifying and organizing educational opportunities. This report is not an accounting of the many and varied educational programs in which members off the court have participated but an outline of the Committee's work.

The Committee organized the following educational programs in 2018:

Endangered Species and Biodiversity

February 14, 2018

Dr. Sally Otto, Canada Research Chair in Theoretical and Experimental Evolution and Director of the Biodiversity Research Centre at the University of British Columbia

The Divorce Act and the Family Law Act: Not Two for One

March 14, 2018

Justice Daphne Smith

Human Rights: A South African Perspective

March 27, 2018

Justice Edwin Cameron of the Constitutional Court of South Africa

Videoconferencing in BC Courts

April 12, 2018

Kathleen Statton, Manager, Court Technology

Michael Niven, Videoconferencing and Evidence Presentation Systems Product Manager

Government of British Columbia Court Services Branch

Restitution and Rehabilitation: Two Connected Tales from Central Europe

April 27, 2018

Justice David Harris

Constitutional Issues before Administrative Tribunals

May 9, 2018

Justice Harvey Groberman

The Magnitsky Act

September 19, 2018

James Tate, Partner, Ratcliff & Company and Member/former Director of Lawyer's Rights Watch Canada

The Work of the Child and Youth Legal Centre

November 14, 2018

Suzette Narbonne, Lawyer Child and Youth Legal Centre, Society for Children and Youth of BC

Marijuana and Occupational Health and Safety

Wednesday December 12, 2018

Dr. Paul Farnan, Clinical Associate Professor, UBC Department of Family Practice, Specialist in Addiction Medicine

The Committee has taken an active role in the formulation of the National Judicial Institute's response to the CJC Professional Development Guidelines and in the organization of the NJI Appellate Courts Conference in September 2019 in Winnipeg.

“ In 2018, the Joint Courts Technology Committee continued to review technology developments and their impact on the work of the Court of Appeal and the Supreme Court.

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
Heidi McBride, Executive Director and Senior Counsel
Ryan Wirth, Manager, Information Technology
Cindy Friesen, Director, Supreme Court Scheduling

In 2018, the Joint Courts Technology Committee continued to review technology developments and their impact on the work of the Court of Appeal and the Supreme Court. Committee members also participated in various technology initiatives, such as the Courts Technology Board’s Artificial Intelligence Challenge, which saw various developers exploring the following:

- ✓ **Smart Online Guide:** to provide timely access to justice, reduce court delays and increase affordability by providing smart virtual aids for accessing services in different languages, or completing many complex court forms in a user-friendly, interactive way that eliminates errors.
- ✓ **Intelligent Reviewer:** to reduce processing times and court delays and increase efficiencies with the enhanced ability to quickly search and organize large amounts of information.
- ✓ **Online Justice Chatbot:** to increase affordability and timely access to justice by using chatbot technology to assist citizens who find it difficult and financially burdensome to obtain the required information, forms or guidance regarding services such as probate and wills and estates planning with 24/7 self-service options.
- ✓ **Auto Transcriber:** to facilitate faster and cheaper transcription via an automated solution that converts speech to text.
- ✓ **Smart Court Way-finder and Inquirer Platform:** to reduce court delays, increase efficiencies, and improve the navigability and timeliness of court proceedings by providing interactive way-, information- and document-finding technologies for court staff and court users.

A pilot video conferencing project with the Supreme Court Masters was also initiated. The result of this project confirmed the committee's view that the courts require a digital content platform to realize the full value of the technology as a means for increasing access to justice. The implementation of a digital platform for court proceedings, including the piloting of commercial platforms, is under active review.

“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 COMMITTEE

MEMBERS

Karen Leung, Legal Officer, Provincial Court

Caroline Berkey, Legal Officer, Provincial Court

Sally Rudolf, Legal Counsel, Court of Appeal (Chair to July 2018)

Brenda Belak, Legal Counsel, Supreme Court (Chair from August 2018)

Heidi McBride, Executive Director & Senior Counsel, Judicial Administration, Superior Courts Judiciary

Grant Marchand, Manager, Judicial Resource Analysis & Management Information Systems, Provincial Court

Dan Chiddell, Director Strategic Information & Business Applications, Ministry of Justice - Court Services Branch

Rob Richardson, Senior Policy Analyst, Policy, Legislation and Planning, Ministry of Attorney General - Court Services Branch

Jess Gunnarson, Director, Policy, Legislation and Planning, Ministry of Attorney General - Court Services Branch (from May 2018)

Kathryn Thomson, Legal Policy Advisor

Mandate of the Committee

The Chief Justices and Chief Judge of British Columbia’s courts are responsible 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 Ministry of Justice - 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 2018, 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 2018, the Data Governance Working Group met quarterly to continue this work.



In January 2018, the judicial law clerk program received **135 applications for 30 law clerk positions** at the two courts for the 2019 – 2020 term (12 at the Court of Appeal and 18 at the Supreme Court).

LAW CLERK COMMITTEE

MEMBERS

The Honourable Madam Justice Newbury
The Honourable Madam Justice Bennett
The Honourable Madam 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. 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 by legal counsel for the Court of Appeal and the Supreme Court.

In January 2018, the judicial law clerk program received 135 applications for 30 law clerk positions at the two courts for the 2019–2020 term (12 at the Court of Appeal and 18 at the Supreme Court). Students from the University of British Columbia made up the largest group of applicants, followed by the University of Victoria, Thomson Rivers University, and other Canadian law schools. In February 2018, legal counsel for the Court of Appeal interviewed 62 applicants. The justices of the Court of Appeal Law Clerk Committee interviewed 24 of these applicants, of which they selected 12.

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. Out of the 12 clerks selected in 2018, there are seven from the University of British Columbia, one from the University of Victoria, two from the University of Toronto and two from Thompson Rivers University.

In October and November 2018, justices from the Law Clerk Committees for the Court of Appeal and the Supreme Court, legal counsel and former law clerks attended recruitment information sessions at the University of British Columbia, the University of Victoria, and Thompson Rivers University law schools. The Law Clerk Committee continues to refine the recruitment and application process. In 2018, the Committee conducted interviews with applicants residing east of Manitoba by Skype to reduce any financial hardship to students.

The Committee thanks legal counsel Sally Rudolf, Jill Leacock and Brenda Belak, as well as Alix Going and Andrea Baedak, for their assistance and administrative support.



Library staff continue to monitor both the use and cost of library resources to achieve an effective balance between print and electronic materials.

LIBRARY COMMITTEE

MEMBERS

The Honourable Mr. Justice Goepel

The Honourable Madam Justice Ker

The Honourable Mr. Justice Skolrood (Chair)

Heidi McBride, Executive Director and Senior Counsel

Diane Lemieux, Librarian

The role and use of electronic resources continues to expand. With advances in digital platforms, such as WestlawNext Canada, Lexis Advanced Quicklaw and CLE Online, searching techniques have never been more user-friendly.

Library staff work with newly appointed judges to assist them in developing their familiarity and comfort with these resources. This includes setting up new judges with their user passwords, assisting them in their first forays into the library to look for an answer to a query and tackling a new subject area unfamiliar to them.

As the way we search for legal materials continues to change, the library footprint will change as well. Materials that were formerly available in print may be discontinued and become solely available online, such as the Consolidated Regulations of British Columbia, now found only in PDF format in BC Laws. This year, the Committee approved the discontinuance of a large number of print looseleaf services, due to both their prohibitive cost and the fact that the materials are available online. This process will continue in 2019. Library staff continue to monitor both the use and cost of library resources to achieve an effective balance between print and electronic materials.

The Committee would like to acknowledge and thank the Library staff for the exemplary service they provide. All members of the judiciary are encouraged to consult the staff regarding their research needs, including any electronic resource training that they might require.

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

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)

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)

Madam Justice Susan A. Griffin

- February 20, 2008 (Supreme Court)
- February 7, 2018 (Court of Appeal)

Mr. Justice G. Bruce Butler

- March 30, 2007 (Supreme Court)
- August 29, 2018 (Court of Appeal)



The Honourable
**Madam Justice
Susan A. Griffin**
was appointed a
judge of the
Court of Appeal
for British
Columbia on
February 7, 2018.

CHANGES TO THE COURT'S COMPLEMENT

The Court began 2018 with two vacancies occasioned by judges going supernumerary. Both of these vacancies were filled. Madam Justice Griffin filled the vacancy created by Mr. Justice Goepel and Mr. Justice Butler filled the vacancy created by Madam Justice Bennett.

APPOINTMENTS

The Honourable Madam Justice Susan A. Griffin

The Honourable Madam Justice Susan Griffin was appointed a judge of the Court of Appeal for British Columbia on February 7, 2018. She was previously appointed a judge of the Supreme Court of British Columbia in 2008.

Justice Griffin received her Bachelor of Laws degree from the University of Toronto in 1984, and was admitted to the Bar of British Columbia in 1985. Prior to her judicial appointment, Justice Griffin practiced a range of civil litigation in Vancouver, first with a litigation boutique for 14 years, and later with a national law firm. She obtained a Master of Laws with distinction from the London School of Economics and Political Science on a sabbatical from practice in 1992. Justice Griffin was appointed Queen's Counsel in 2005.

Throughout her career, Justice Griffin has engaged in legal education and writing. She co-authored *The Conduct of Civil Litigation in British Columbia* and played a lead role in developing the CLEBC Advocacy Toolkit – an award-winning video series on advocacy for junior litigators.

The Honourable Mr. Justice G. Bruce Butler

The Honourable Mr. Justice G. Bruce Butler was appointed to the Court of Appeal on August 29, 2018. He was previously appointed a judge of the Supreme Court of British Columbia on March 30, 2007. As a member of that court, he chaired the Family Law Committee from 2015 and was the British Columbia member of the Judicial Committee on Interjurisdictional Child Protection from 2009 to 2017.

Justice Butler received his LL.B. degree in 1979 after obtaining a degree in English. He was called to the bar in 1980 and articulated with Harper Grey Easton (now Harper Grey LLP), where he was later made partner in 1986. Justice Butler served as chair of the firm's air law practice group as well as managing partner from 1994 to 1998. He enjoyed a diverse civil litigation practice including a variety of complex commercial and insurance matters.

“
The Honourable
Mr. Justice Peter
Lowry **retired
from the Court
of Appeal** on 30
June 2018, having
served as a judge
of this court for
15 years less a
day.

Justice Butler was appointed Queen’s Counsel in 2005. Prior to his judicial appointment, Justice Butler lectured for the Continuing Legal Education Society of British Columbia, the University of Victoria Faculty of Law and the Peter A. Allard School of Law Advocacy Program. In addition to his work with the Canadian Bar Association and Advocates’ Club, Justice Butler served as Executive Director of the Vancouver Bar Association. Justice Butler has also volunteered for a number of charitable organizations including JDRF and Diabetes Canada.

RETIREMENTS

The Honourable Mr. Justice P.D. Lowry

The Honourable Mr. Justice Peter Lowry retired from the Court of Appeal on 30 June 2018, having served as a judge of this court for 15 years less a day. He was appointed to the Supreme Court in 1991 and the Court of Appeal in 2003.

Justice Lowry received his law degree from Osgood Hall in 1970 and completed his articles at MacRae Montgomery. There, he developed a practice in maritime and admiralty law, aviation law, and commercial litigation, which he took with him when he joined Campney & Murphy in 1979. Having spent the early years of his career focused on ship source oil pollution and the perils of the sea, he broadened his practice to include general commercial litigation, banking, and securities work.

During his years on the bench, Justice Lowry was known for being remarkably efficient with both time and language. His judgments would be rendered with dispatch and made a virtue of concision. Justice Lowry was a judge of strong principles and intellectual rigour, and he believed that both the bench and the bar should aspire to and meet the highest of standards. He added much to the profession and the jurisprudence over his years of service. The Court wishes him the best on his retirement.

IN MEMORIAM

The Honourable Alan Brock Macfarlane

On December 10, 2018, the Honourable Alan Brock Macfarlane passed away in his 94th year.

Justice Macfarlane was born in Victoria on May 17, 1924. Law was no stranger to the Macfarlane family: his father practiced with Clay and Company – a small general practice firm – before being appointed to the Supreme Court of British Columbia. World War II broke out when Justice Macfarlane was 15 years old. Once of age, he enlisted with the Royal Canadian Air Force, where he served as a pilot until the end of the war. In 1945, he married his wife Sheila, whom he had met in high school at Oak

Bay, and embarked upon a course of legal studies at the University of British Columbia. He graduated in 1949 as a member of the law school's second ever graduating class.

Up until his appointment to the bench, Justice Macfarlane practiced with Clay and Company as the firm's senior partner. He pursued his interest in politics during this time. In 1960, he was elected to the Legislative Assembly of British Columbia, sitting for the Liberals in Oak Bay. He was re-elected in 1963 and again in 1966. Among his other political contributions, he introduced – on six separate occasions – a bill that would have allowed citizens to sue the Province in tort.

Justice Macfarlane's political career came to what some may have considered a premature end in 1968, when he was appointed to the Supreme Court of British Columbia. He would later stress the usefulness of political experience to his new role, saying:

Being a member of the legislative assembly provided me with a different legal perspective and an opportunity to better understand the problems encountered by people in all walks of life.

An appointment to the Court of Appeal followed on April 29, 1982. Justice Macfarlane spent the next 17 years serving on the appellate bench, where he was esteemed for his eloquence, powerful intellect and great sense of humour. On his passing, former Chief Justice Finch remarked:

Judges are sometimes stereotyped as being cold, aloof and impersonal. [Justice Macfarlane] was none of those things. He was a model for those of us who were considerably younger – learned, careful, caring and courteous.

Justice Macfarlane is survived by his three children, six grandchildren and ten great-grandchildren.



The Court of Appeal Registry **welcomed Jocelyn Ward and Michael Chu**, both of whom came to the registry from the private sector.

STAFF OF THE COURT OF APPEAL

CHANGES TO STAFFING COMPLEMENT

The Court of Appeal Registry welcomed Jocelyn Ward and Michael Chu, both of whom came to the registry from the private sector. Susan Lang rejoined the registry after several years working for the Supreme and Provincial Courts. Jonathan Randall moved from the registry to a position in the Provincial Court in June. In September, Felicity Lee left the registry after obtaining a position as a judicial administrative assistant at the Court of Appeal.

STAFF & POSITIONS

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

Judicial Law Clerks

Oren Adamson	Mark Iyengar	Caroline North
Melanie Anderson	Katrina Labun	Joanna Stratton
Giovanni Boscariol	Alyssa Leung	Kaelan Unrau
Steven Davis	Kirsten Marsh	Peter Wills

Judicial Staff

Adrien Amadeo	Karen Gurney	Lana Pardue
Valerie Belina	Felicity Lee	Jane Raggatt
Tina Cheung	Cherry Luscombe	Harmesh Shahi
Cathy Clough	Bonnie Marcaccini	Wayne Ziants
Kristine Dhamrait	Victoria Osborne-Hughes	

Registry Staff

Rebecca Chappell	Sue Lang	Jennifer Rahiman
Michael Chu	Robert Loy	Moira Syring
Jason Conybeer	Michael Magone	Jocelyn Ward
Cheri Cooper	Jodi Maycock	Scott Wheeler
Beryl Eli	Lindsay Oldham	Jacqueline Windsor
Kari Erickson	Teresa Pol	

Superior Courts Document Management Clerks

David Delafenetre	Andrea Mueller
Charles Manuel	Darren Scherck

Judicial Administration

Heidi McBride	Senior Counsel and Executive Director
Michelle McConnachie	Director of Human Resources and Support Services
Lorna McNally	Manger, Human Resources
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 2006 – 2018

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
APPEALS FILED:													
Notice of Appeal	494	498	530	538	519	480	497	587	607	522	514	484	513
Leave to Appeal	170	144	172	175	131	114	122	100	88	96	84	149	86
Notice of Appeal & Leave	76	55	59	65	55	55	44	28	25	26	25	9	6
TOTAL FILED	740	697	761	778	705	649	663	715	720	644	623	642	605
COURT DISPOSITIONS:													
Appeals Allowed	108	117	100	135	130	116	119	101	101	130	117	112	104
Appeals Allowed %	38%	42%	42%	43%	45%	42%	49%	37%	40%	50%	41%	40%	40%
Appeals Dismissed	174	164	138	180	159	159	125	169	149	131	169	168	155
Appeals Dismissed %	62%	58%	58%	57%	55%	58%	51%	63%	60%	50%	59%	60%	60%
TOTAL COURT DISPOSITIONS	282	281	238	315	289	275	244	270	250	261	286	280	259
Appeals Concluded in Chambers or Abandoned	419	455	449	441	419	436	414	379	420	359	371	348	346
TOTAL DISPOSITIONS	701	736	687	756	708	711	658	649	670	620	657	628	605
Dispositions as % of Filings	95%	106%	90%	97%	100%	110%	100%	91%	93%	96%	106%	98%	100%
Judgments Reserved (Court)	221	197	192	245	233	241	176	201	199	209	226	169	186
Judgments Reserved (Chambers)	79	88	87	63	62	83	80	70	52	70	104	37	32
Appeals with 5 Justices	1	3	2	7	1	3	2	2	3	3	4	4	1
Court Motions: Reviews	19	13	14	20	25	28	19	18	16	26	17	19	22
Granted	5	2	2	4	3	8	3	1	2	1	1	2	2
Refused	14	11	12	16	22	20	16	17	14	25	16	17	20
Chambers Motions	426	423	423	539	503	537	533	536	788	639	719	597	676
LEAVE TO APPEAL:													
Granted	66	58	66	65	47	51	37	37	36	50	36	50	43
Refused	38	42	47	51	30	55	34	24	19	23	26	27	25
Total	104	100	113	116	77	106	71	61	55	73	62	77	68

APPENDIX 2 - CRIMINAL STATISTICS 2006 – 2018

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
APPEALS FILED:													
Sentence	157	149	163	140	114	109	119	108	174	152	85	97	107
Conviction	147	116	123	115	99	112	116	117	87	93	82	95	118
Summary Conviction	15	17	23	12	16	24	14	9	18	10	11	11	10
Acquittal & Other	50	61	50	44	28	39	40	46	30	41	31	43	23
TOTAL FILED	369	343	359	311	257	284	289	280	309	296	209	246	258
COURT DISPOSITIONS:													
Appeals Allowed	76	77	82	69	52	41	35	62	101	44	32	42	30
Appeals Allowed %	37%	35%	41%	41%	28%	31%	21%	34%	49%	44%	22%	34%	26%
Appeals Dismissed	132	140	120	100	137	91	129	121	102	101	114	82	83
Appeals Dismissed %	63%	65%	59%	59%	72%	69%	79%	66%	51%	56%	78%	66%	74%
TOTAL	208	217	202	169	189	132	164	183	203	145	146	124	113
Summary Dismissals Abandonments in Court/Chambers	149	160	139	149	121	99	123	129	76	85	97	111	78
TOTAL DISPOSITIONS	357	377	341	318	310	231	287	312	279	230	243	235	191
Dispositions as % of Filings	97%	110%	95%	102%	121%	82%	99%	111%	90%	78%	116%	96%	74%
Judgments Reserved (Court)	85	81	76	88	88	82	102	97	84	106	78	53	76
Judgments Reserved (Chambers)	10	28	11	11	13	22	28	25	4	8	8	4	7
Appeals with 5 Justices	0	0	2	0	1	1	2	0	0	0	0	2	1
Chambers Motions	298	248	242	265	272	210	295	430	438	484	514	583	655

APPENDIX 3 - COMBINED STATISTICS 2006 – 2018

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
APPEALS FILED:	1109	1040	1120	1089	962	933	952	995	1029	940	832	888	863
COURT DISPOSITIONS:	490	498	440	484	478	407	408	453	453	406	432	404	372
Appeals Allowed	184	194	182	204	182	157	154	163	202	174	149	154	134
Appeals Allowed %	38%	39%	41%	42%	38%	39%	38%	36%	45%	43%	35%	38%	36%
Appeals Dismissed	306	304	258	280	296	250	254	290	251	232	283	250	238
Appeals Dismissed %	62%	61%	59%	58%	62%	61%	62%	64%	55%	57%	65%	62%	64%
TOTAL	490	498	440	484	478	407	408	453	453	406	432	404	372
Appeals Concluded in Chambers or Abandoned	568	615	588	590	540	535	537	508	496	444	468	459	424
TOTAL DISPOSITIONS	1058	1113	1028	1074	1018	942	945	961	949	850	900	863	796
Dispositions as % of Filings	95%	107%	92%	99%	106%	101%	99%	97%	92%	90%	108%	97%	92%
Judgments Reserved	395	394	366	407	396	426	386	393	339	315	304	222	262
Appeals with 5 Justices	2	3	4	7	2	4	4	2	3	3	4	6	2
Chambers Motions	724	671	665	804	775	747	828	966	1226	1123	1233	1180	1331