

SUPREME COURT OF BRITISH COLUMBIA

Annual Report

2009

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Justices of the Supreme Court of British Columbia

The Honourable Chief Justice Bauman

- Appointed to the Supreme Court June 20, 1996
- Appointed to the Court of Appeal February 20, 2008
- Appointed Chief Justice of the Supreme Court September 9, 2009

The Honourable Associate Chief Justice Dohm

- Appointed to the Supreme Court May 15, 1980
- Appointed Associate Chief Justice February 7, 1995

The Honourable Chief Justice Brenner ▼

- Appointed to the Supreme Court June 23, 1992
- Served as Chief Justice of the Supreme Court May 12, 2000 - September 7, 2009

The Honourable Mr. Justice Cohen ►

Appointed to the Supreme Court March 25, 1987

The Honourable Mr. Justice Stewart ►

Appointed to the Supreme Court September 8, 1988

The Honourable Mr. Justice R.R. Holmes ▼

Appointed to the Supreme Court October 4, 1989

The Honourable Mr. Justice Parrett ►

Appointed to the Supreme Court February 16, 1990

The Honourable Mr. Justice Wong ►

Appointed to the Supreme Court July 1, 1990

The Honourable Mr. Justice McKinnon ►

Appointed to the Supreme Court July 1, 1990

The Honourable Madam Justice Boyd ►

Appointed to the Supreme Court July 1, 1990

The Honourable Mr. Justice Curtis ►

Appointed to the Supreme Court July 1, 1990

The Honourable Mr. Justice Melnick ▶

Appointed to the Supreme Court July 1, 1990

The Honourable Mr. Justice Preston ▶

Appointed to the Supreme Court July 1, 1990

The Honourable Mr. Justice Scarth ▼

Appointed to the Supreme Court July 1, 1990

The Honourable Madam Justice Allan ▶

Appointed to the Supreme Court July 1, 1990

The Honourable Madam Justice Sinclair-Prowse ▼

Appointed to the Supreme Court July 1, 1990

The Honourable Mr. Justice Josephson ▶

Appointed to the Supreme Court July 1, 1990

The Honourable Madam Justice Gill ▼

Appointed to the Supreme Court March 1, 1991

The Honourable Mr. Justice Warren ▼

Appointed to the Supreme Court October 11, 1991

The Honourable Mr. Justice Meiklem ▶

Appointed to the Supreme Court October 11, 1991

The Honourable Madam Justice Dorgan

Appointed to Supreme Court October 11, 1991

The Honourable Mr. Justice Vickers ▼

Appointed to the Supreme Court December 23, 1991

The Honourable Mr. Justice Blair ▶

Appointed to the Supreme Court June 24, 1992

The Honourable Mr. Justice Shabbits ▶

Appointed to the Supreme Court November 27, 1992

The Honourable Madam Justice Koenigsberg ▶

Appointed to the Supreme Court November 27, 1992

The Honourable Madam Justice Baker

Appointed to the Supreme Court May 28, 1993

The Honourable Mr. Justice R.D. Wilson ▶

Appointed to the Supreme Court January 27, 1994

The Honourable Mr. Justice Sigurdson

Appointed to the Supreme Court January 27, 1994

The Honourable Mr. Justice Williamson ▶

Appointed to the Supreme Court January 27, 1994

The Honourable Madam Justice Humphries

Appointed to the Supreme Court January 27, 1994

The Honourable Madam Justice Dillon

Appointed to the Supreme Court April 25, 1995

The Honourable Mr. Justice A.F. Wilson ▼

Appointed to the Supreme Court June 22, 1995

The Honourable Mr. Justice Romilly

Appointed to the Supreme Court November 15, 1995

The Honourable Mr. Justice Davies

Appointed to the Supreme Court January 10, 1996

The Honourable Madam Justice Kloegman

Appointed to the Supreme Court February 13, 1996

The Honourable Madam Justice Stromberg-Stein

Appointed to the Supreme Court February 16, 1996

The Honourable Mr. Justice Cole

Appointed to Supreme Court March 19, 1996

The Honourable Madam Justice A. W. MacKenzie

Appointed to the Supreme Court June 20, 1996

The Honourable Mr. Justice Grist

Appointed to the Supreme Court June 20, 1996

The Honourable Mr. Justice McEwan

Appointed to the Supreme Court August 7, 1996

The Honourable Madam Justice Beames

Appointed to the Supreme Court August 7, 1996

The Honourable Madam Justice Loo

Appointed to the Supreme Court September 24, 1996

The Honourable Mr. Justice Burnyeat

Appointed to the Supreme Court December 19, 1996

The Honourable Mr. Justice Pitfield

Appointed to the Supreme Court March 4, 1997

The Honourable Mr. Justice Macaulay

Appointed to the Supreme Court March 4, 1997

The Honourable Madam Justice Bennett [▲]

Appointed to the Supreme Court August 27, 1997

The Honourable Mr. Justice Chamberlist

Appointed to the Supreme Court February 24, 1998

The Honourable Madam Justice Martinson [▼]

Appointed to the Supreme Court May 26, 1998

The Honourable Madam Justice L. Smith

Appointed to the Supreme Court June 23, 1998

The Honourable Mr. Justice Halfyard [►]

Appointed to the Supreme Court June 30, 1999

The Honourable Mr. Justice Powers

Appointed to the Supreme Court December 16, 1999

The Honourable Mr. Justice Metzger

Appointed to the Supreme Court June 20, 2000

The Honourable Mr. Justice Brooke

Appointed to the Supreme Court June 20, 2000

The Honourable Mr. Justice Cullen

Appointed to the Supreme Court March 21, 2001

The Honourable Madam Justice Garson [▲]

Appointed to the Supreme Court March 21, 2001

The Honourable Madam Justice H. Holmes

Appointed to the Supreme Court March 21, 2001

The Honourable Madam Justice Ross

Appointed to the Supreme Court March 21, 2001

The Honourable Mr. Justice Slade

Appointed to the Supreme Court March 27, 2001

The Honourable Mr. Justice Joyce

Appointed to the Supreme Court April 4, 2001

The Honourable Madam Justice Wedge

Appointed to the Supreme Court April 4, 2002

The Honourable Mr. Justice Crawford

Appointed to the Supreme Court September 27, 2001

The Honourable Mr. Justice Goepel

Appointed to the Supreme Court September 27, 2001

The Honourable Madam Justice Gray

Appointed to the Supreme Court September 27, 2001

The Honourable Mr. Justice Barrow

Appointed to the Supreme Court December 14, 2001

The Honourable Mr. Justice Rogers

Appointed to the Supreme Court December 14, 2001

The Honourable Madam Justice B. Brown

Appointed to the Supreme Court April 18, 2002

The Honourable Mr. Justice Truscott

Appointed to the Supreme Court October 10, 2002

The Honourable Madam Justice Gerow

Appointed to Supreme Court October 10, 2002

The Honourable Mr. Justice Williams

Appointed to the Supreme Court October 10, 2002

The Honourable Mr. Justice Masuhara

Appointed to the Supreme Court October 11, 2002

The Honourable Madam Justice Ballance

Appointed to the Supreme Court December 11, 2002

The Honourable Mr. Justice Rice

Appointed to the Supreme Court July 24, 2003

The Honourable Mr. Justice Kelleher

Appointed to the Supreme Court July 24, 2003

The Honourable Mr. Justice Bernard

Appointed to the Supreme Court July 24, 2003

The Honourable Mr. Justice Ehrcke

Appointed to the Supreme Court October 28, 2003

The Honourable Mr. Justice Johnston

Appointed to the Supreme Court November 26, 2004

The Honourable Mr. Justice Brine *

Appointed to the Supreme Court November 26, 2004

The Honourable Mr. Justice Silverman

Appointed to the Supreme Court November 26, 2004

The Honourable Madam Justice Fisher

Appointed to the Supreme Court November 26, 2004

The Honourable Madam Justice Arnold-Bailey

Appointed to the Supreme Court April 14, 2005

The Honourable Madam Justice Gropper

Appointed to the Supreme Court April 14, 2005

The Honourable Madam Justice Russell

Appointed to the Supreme Court April 14, 2005

The Honourable Mr. Justice N. H. Smith

Appointed to the Supreme Court May 19, 2005

The Honourable Mr. Justice Groves

Appointed to the Supreme Court May 19, 2005

The Honourable Mr. Justice Leask

Appointed to the Supreme Court November 22, 2005

The Honourable Mr. Justice Myers

Appointed to the Supreme Court November 22, 2005

The Honourable Madam Justice Bruce

Appointed to the Supreme Court September 14, 2006

The Honourable Mr. Justice Smart

Appointed to the Supreme Court December 15, 2006

The Honourable Madam Justice Dickson

Appointed to the Supreme Court December 15, 2006

The Honourable Mr. Justice Hinkson

Appointed to the Supreme Court March 2, 2007

The Honourable Mr. Justice Bracken

Appointed to the Supreme Court March 30, 2007

The Honourable Mr. Justice Butler

Appointed to the Supreme Court March 30, 2007

The Honourable Mr. Justice Pearlman

Appointed to the Supreme Court January 31, 2008

The Honourable Madam Justice Fenlon

Appointed to the Supreme Court January 31, 2008

The Honourable Mr. Justice Gaul

Appointed to the Supreme Court January 31, 2008

The Honourable Madam Justice Griffin

Appointed to the Supreme Court February 20, 2008

The Honourable Mr. Justice Grauer

Appointed to the Supreme Court April 11, 2008

The Honourable Mr. Justice Savage

Appointed to the Supreme Court May 5, 2008

The Honourable Mr. Justice Walker

Appointed to the Supreme Court June 18, 2008

The Honourable Madam Justice Dardi

Appointed to the Supreme Court June 18, 2008

The Honourable Madam Justice Ker

Appointed to the Supreme Court June 18, 2008

The Honourable Mr. Justice N. Brown

Appointed to the Supreme Court July 30, 2008

The Honourable Madam Justice Adair

Appointed to the Supreme Court November 28, 2008

The Honourable Mr. Justice Sewell

Appointed to the Supreme Court January 22, 2009

The Honourable Mr. Justice Harvey

Appointed to the Supreme Court January 22, 2009

The Honourable Mr. Justice Voith

Appointed to the Supreme Court January 22, 2009

The Honourable Mr. Justice Verhoeven

Appointed to the Supreme Court January 22, 2009

The Honourable Madam Justice Hyslop

Appointed to the Supreme Court May 15, 2009

The Honourable Mr. Justice Greyell

Appointed to the Supreme Court May 15, 2009

The Honourable Mr. Justice Schultes

Appointed to the Supreme Court May 15, 2009

The Honourable Mr. Justice Punnett

Appointed to the Supreme Court June 19, 2009

The Honourable Mr. Justice Willcock

Appointed to the Supreme Court June 19, 2009

The Honourable Mr. Justice Bowden

Appointed to the Supreme Court October 2, 2009

The Honourable Mr. Justice B. MacKenzie

Appointed to the Supreme Court October 23, 2009

The Honourable Mr. Justice Saunders

Appointed to the Supreme Court November 27, 2009

- ▶ *Supernumerary*
- ▼ *Retired*
- ▲ *Appointed to the Court of Appeal*
- * *Deceased*

Masters of the Supreme Court of British Columbia

Master Alan Donaldson

Appointed to the Supreme Court November 20, 1989

Master William McCallum

Appointed to the Supreme Court November 20, 1989

Master Neil Bolton ▼

Appointed to the Supreme Court August 22, 1991

Master Dennis Tokarek

Appointed to the Supreme Court September 9, 1991

Master Michael Bishop

Appointed to the Supreme Court September 9, 1991

Master Douglas Baker

Appointed to the Supreme Court July 16, 1998

Master Shelagh Scarth

Appointed to the Supreme Court November 6, 2000

Master Hope Hyslop ▲

Appointed to the Supreme Court March 21, 2003

Master Peter Keighley

Appointed to the Supreme Court March 8, 2004

Master Ian W. Caldwell

Appointed to the Supreme Court April 18, 2005

Master Grant Taylor

Appointed to the Supreme Court July 29, 2005

Master Barbara Young

Appointed to the Supreme Court December 6, 2006

Master Meg Shaw

Appointed to the Supreme Court December 11, 2009

Master Carolyn P. Bouck

Appointed to the Supreme Court December 11, 2009

▼ *Retired*

▲ *Elevated to the Supreme Court*

Registrars of the Supreme Court of British Columbia

William McCallum, Master and Registrar of the Supreme Court

Appointed November 20, 1989

Kathryn Sainty, District Registrar

Date of Appointment - April 1, 2001

Murray Blok, District Registrar

Date of Appointment - March 25, 2002

Carolyn Bouck, District Registrar [▲]

Date of Appointment - April 2, 2002

[▲] *Appointed Supreme Court Master*

Judicial Staff

Office of the Chief Justice and Associate Chief Justice

| | |
|----------------|--|
| Linda Larson | Executive Assistant to the Chief Justice |
| Lois McLean | Executive Assistant to the Associate Chief Justice |
| Christine Judd | Law Officer |
| Jill Leacock | Law Officer |
| Heidi McBride | Law Officer |

Judicial Administration

| | |
|---------------------|--|
| Frank Kraemer, Q.C. | Executive Director and Senior Counsel |
| Rani Amott | Director, Human Resources and Support Services |
| Kevin Arens | Director, Information Technology and Finance |
| Cindy Friesen | Director, Supreme Court Scheduling |
| Krystal Mason | Assistant to Director, Supreme Court Scheduling and Assistant to Law Officers |
| Tammy McCullough | Assistant to the Executive Director |
| Michelle Sam | Judicial Assistant |
| Cheryl Steele | Finance Clerk |
| Mary Falck | Website Administrator |
| Tannes Gentner | Judicial Administrative Assistant Practice Advisor |
| Sheri Albert | Manager, Provincial Registrar's Program |

Judicial Administrative Assistants

Vancouver

| | |
|-----------------------|------------------|
| Adrien Amadeo-Vittone | Monelle Clements |
| Joy Eliasson | Diane Gooderham |
| Felipa Ibarrola | Joanne Ivans |
| Lorrie Jamieson | Wanda Lam |
| Beverlee Lea | Evelyn Mathesius |
| Pat Miller | Linda Peter |
| Terri Rockwell | Samantha Servis |
| Rita Wikkerink | Wanda Wilk |
| Mary Williams | Gail Woods |
| Stephanie Wyer Rose | Michelle Yung |

Chilliwack

| |
|---------------------|
| Sharmain Loosdrecht |
| Yvonne Samek |

Cranbrook

Jeanne Brock
Brenda Pocha

Kamloops

Beckie Allen
Jane Raggatt

Kelowna

Sharon LeBlanc
Lana Pardue

Nanaimo

Pat McKeeman
Patricia Robison

Nelson

Kathie Pereverzoff

New Westminster

Bonnie Healy
Margaret Henderson
Raji Johal
Carrie Mathesius

Prince George

Susan Johns

Smithers

Helen Kerley Gregg
Donna Rice

Victoria

Karen Gurney
Cherry Luscombe
Bonnie Marcaccini
Victoria Osborne-Hughes

Supreme Court Scheduling***Vancouver***

| | |
|-------------------|---|
| Mary Ellen Pearce | Manager, Supreme Court Scheduling, Criminal |
| Sue Smolen | Manager, Supreme Court Scheduling, Civil |
| Rhona Ogston | Team Leader & Supreme Court Scheduler |
| Patricia Acthim | Supreme Court Scheduler |
| Allison Donnelly | Supreme Court Scheduler |
| Kim Gunn | Supreme Court Scheduler |
| Annie Hecimovic | Supreme Court Scheduler |
| Laura Hill | Supreme Court Scheduler |
| Christine Hutton | Supreme Court Scheduler |
| Shahla Ehteshan | Data Entry Clerk |
| Cary Ann Moore | Data Entry Clerk |
| Elsie Peralta | Data Entry Clerk |

Cranbrook

| | |
|-------------------|-----------------------------------|
| Jeanne Brock | Manager, Supreme Court Scheduling |
| Carol Anne Pighin | Manager, Supreme Court Scheduling |

Kamloops, Revelstoke, Salmon Arm

| | |
|------------|-----------------------------------|
| Dave McCoy | Manager, Supreme Court Scheduling |
|------------|-----------------------------------|

Kelowna, Nelson, Penticton, Rossland, Vernon

| | |
|---------------|-----------------------------------|
| Barb Turik | Manager, Supreme Court Scheduling |
| Janine Benson | Supreme Court Scheduler |

Nanaimo, Campbell River, Courtenay, Port Alberni and Powell River

| | |
|-----------------|-----------------------------------|
| Cheryl Turner | Manager, Supreme Court Scheduling |
| Michelle Schley | Supreme Court Scheduler |

New Westminster, Chilliwack

| | |
|-----------------|--------------------------------------|
| Tanya Andres | Manager, Supreme Court Scheduling |
| Irene McLeod | Supreme Court Scheduler |
| Debbie Soroka | Supreme Court Scheduler |
| Leanne Griffith | Supreme Court Scheduler (Chilliwack) |
| Jenn Brooks | Data Entry Clerk |

Prince George, Dawson Creek, Fort St. John, Quesnel, Williams Lake

| | |
|---------------|-----------------------------------|
| Pamela Wallin | Manager, Supreme Court Scheduling |
| Kelly Parmar | Supreme Court Scheduler |

Prince Rupert, Terrace

| | |
|------------------|-----------------------------------|
| Crystal Foerster | Manager, Supreme Court Scheduling |
|------------------|-----------------------------------|

Smithers

| | |
|----------------|-----------------------------------|
| Sharon Portsch | Manager, Supreme Court Scheduling |
|----------------|-----------------------------------|

Victoria

| | |
|---------------|-----------------------------------|
| Dianne Lezetc | Manager, Supreme Court Scheduling |
| Kelly Ditmars | Supreme Court Scheduler |
| Sandra Smith | Supreme Court Scheduler |

Judges Library

| | |
|---------------|--------------------|
| Diane Lemieux | Librarian |
| Sarah Preston | Library Technician |

Judgment Office

| | |
|---------------|------------------------|
| Heidi Hoefner | Judgment Clerk |
| Krystal Mason | Reserve Judgment Clerk |

Supreme Court Ushers*Vancouver*

| |
|---------------|
| Lyle Bolton |
| Donna Cox |
| Gerry Cumming |

New Westminster

| |
|---------------|
| Lynne Muckalt |
|---------------|

IT Services (provided by Microserve Business Computer Services)

| | |
|---------------|---------------------------|
| Mark Hujanen | Service Delivery Manager |
| Yasmin Kassam | Service Delivery Analyst |
| David Chow | Help Desk Lead Technician |
| Simon Kim | Help Desk Lead Technician |
| Eddie Chan | Help Desk Technician |
| William Huang | Help Desk Technician |
| Jason Lui | Help Desk Technician |

Jurisdiction of the Court

Superior Trial Court

The Supreme Court of British Columbia is the province's superior trial court. It is a court of general and inherent jurisdiction which means that it has jurisdiction to hear and decide any matter that comes before it, unless a statute or rule limits that authority or grants exclusive jurisdiction to some other court or tribunal. The Supreme Court's inherent jurisdiction allows it to control its own processes and the procedures before it so as to ensure fairness and to prevent abuses of process. The Court hears both civil and criminal cases as well as appeals from Provincial Court and reviews decisions of administrative tribunals.

Supreme Court Registries and Locations

The Supreme Court is a circuit court in which all the judges and masters travel throughout the province to preside over cases. The Supreme Court conducts proceedings in seven judicial districts and has resident judges in Vancouver, Chilliwack, Cranbrook, Kamloops, Kelowna, Nanaimo, Nelson, New Westminster, Prince George, Prince Rupert, Smithers and Victoria. The Supreme Court also conducts proceedings in the following additional locations where there is no resident judge or master: Campbell River, Courtenay, Dawson Creek, Duncan, Fort St. John, Golden, Penticton, Port Alberni, Powell River, Quesnel, Revelstoke, Rosland, Salmon Arm, Terrace, Vernon and Williams Lake.

Judicial Members of the Supreme Court

The Supreme Court currently consists of the 110 judges: the Chief Justice, the Associate Chief Justice, 88 full-time judges and 20 supernumerary judges.

Judicial Appointments

Judicial appointments are made by the Governor-in-Council on the recommendation of the federal Minister of Justice. The Commissioner for Federal Judicial Affairs oversees the appointment process on behalf of the Minister of Justice. Supreme Court judges are appointed to hold office until the mandatory retirement age of 75 and can only be removed from office for cause. The Canadian Judicial Council, a body comprised of the Chief Justices and Associate Chief Justices of the superior courts in each province and territory and presided over by the Chief Justice of Canada is responsible for investigating and responding to complaints about judicial conduct.

Full-time and Supernumerary Judges

A full-time Supreme Court judge will sit for 32 weeks each year. The balance of the year is spent preparing Reasons for Judgment and other judicial duties. A supernumerary judge will sit 16 weeks each year. Judicial vacancies are created

when a full-time judge retires or when a full-time judge elects to become a supernumerary judge.

Supreme Court Masters

The Supreme Court has 13 masters. Masters are judicial officers appointed by Provincial Order-in-Council on the recommendation of the Attorney General after consultation with the Chief Justice who receives recommendations from an ad hoc committee consisting of the Chief Justice, the Deputy Attorney General, the President of the Law Society of British Columbia and the President of the B.C. Branch of the Canadian Bar Association. Masters preside in civil chambers and registrar hearings and hear and determine a wide variety of applications in chambers.

District Registrars

The Supreme Court also has 3 district registrars who are located in Vancouver and Victoria. They are appointed to the position pursuant to s. 12 of the *Supreme Court Act* and are under the general direction of the Chief Justice. District Registrars hear a wide variety of matters including reviews of lawyers' accounts, bankruptcy discharge applications and bankruptcy taxations, assessments of bills of costs, subpoenas to debtor, passing of accounts, references of various types and settling orders.

Report of the Honourable Chief Justice

I am pleased to have this opportunity to report on the activities and initiatives of the Supreme Court in 2009. I was appointed Chief Justice on September 9, 2009 and since that time I have visited many regions of the province to meet with local bar associations and members of the public. It is important for the Court to provide opportunities for citizens across the province to meet the Court and to tell us about their experiences with the justice system. I have been warmly welcomed in the Kootenays, the Okanagan and Vancouver Island and in 2010 I hope to add a tour through Northern British Columbia.

Public Confidence in the Judicial System

Public confidence in the justice system is an issue of utmost importance for the court. Without public confidence, the authority of the judicial system is diminished. Recently, the Canadian Bar Association released a report prepared by Professor Neil Boyd of Simon Fraser University which looked at the issue of public confidence in the justice system and the factors that affect it. After reviewing the academic literature from the United States, Canada and Europe, Professor Boyd concludes that education is an important factor in maintaining and increasing public confidence in the justice system: the more citizens understand their judicial systems, the more faith and confidence they have in its outcomes. There are a number of organizations that work tirelessly to educate British Columbians about our judicial system including the Justice Education Society, the People's Law School, the Legal Services Society, Access Pro Bono Society of British Columbia and many others. The work of these groups has and will continue to have the full support of the Court.

Judges, Masters and Registrars of the court are also actively engaged in legal education through work with the Law Foundation of British Columbia, the BC Courthouse Library Society, the Continuing Legal Education Society of British Columbia, the University of British Columbia, the Justice Education Society, the Trial Lawyers' Association of British Columbia, the Canadian Bar Association, Camosun College, Justice Institute of British Columbia, British Columbia Institute of Technology, Inns of Court Program and a number of other community organizations that host legal education events for members of the public. I am proud of the volunteer efforts of my colleagues and of the commitment their work demonstrates to the goal of educating British Columbians about our judicial system.

Self-represented Litigants

2009 saw a continuation of the trend of an increasing number of self-represented litigants appearing before the Court. The trend in British Columbia mirrors the trend in other jurisdictions across Canada. There are a number of organizations that continue to provide free or low cost legal advice and legal information to self-represented litigants including the Access Pro Bono Society of British Columbia, the Salvation Army Pro Bono Program, the British Columbia Supreme Court Self Help

Centre and the Justice Education Society. Given the current economic climate, these organizations are faced with extreme budgetary pressures and an increasing demand for their services.

The Court acknowledges and appreciates the contributions of members of the bar and other community members in providing pro bono assistance to litigants. The Court also acknowledges the various pro bono organizations whose work supports and organizes the volunteer efforts of members of the bar and others. The tradition of pro bono legal services is well established in British Columbia and it is one for which the Court is grateful.

Visiting Judicial Delegations

During the year, the court welcomed judicial delegations from a number of countries including the United Kingdom, Japan and Korea. I and other members of the Court welcome the opportunity to meet with judicial colleagues from around the world. Although our judicial systems vary greatly, there are certain similarities the world over in the art of judging. We learn much from our visitors about their judicial systems and traditions and this knowledge enriches our understanding and appreciation for the judicial system that we enjoy in Canada.

The Work of the Court

Appendix A gives a statistical picture of the Court's workload over the past year. In general, the Court maintains the ability to offer early trial dates across the province:

- Civil and family trials estimated at five days or less can be scheduled within five to six months.
- An in-custody accused can expect a trial date within four months.
- An out-of-custody accused can expect a trial date within six to eight months.

I think it is important for litigants to be confident that the court is willing and able to schedule their matters and that trial dates for most matters can be obtained without significant delays on the part of the court.

The BC Snapshot

In 2009 there was a decrease from 2008 in the number of trials and long chambers hearings that were bumped. This is due, in some part, to the significant number of judicial appointments that were made to the court. The Court greatly appreciates the commitment that the federal government has made to ensuring that judicial vacancies are filled in a timely manner.

In 2009, there were:

- 52,327 civil filings (an increase of 9% from last year; see Figure 1);

- 13,088 family filings (a decrease of 5% from last year; see Figure 1); and
- 1,054 criminal filings (a decrease of 30% from last year; see Figure 1).

The Court heard 1246 trials throughout the province which represents no significant change from 2008. In 2009, 43 trials were bumped; again, virtually unchanged from the 2008 figure. (See Figure 4).

The Court also heard 1782 long chambers applications which is a slight increase from 2008. In 2009, 59 scheduled long chambers applications were bumped which is a slight decrease from 2008 (see Figure 6). More expansive information as to trials heard and bumped by location is set out in Figures 8, 9, and 10.

Scheduling Information

As part of the Court's commitment to provide the public with accurate and timely information, scheduling information has been available on the court's website since 2006. Members of the public can obtain scheduling information for family, civil, and criminal hearings for all Supreme Court registries in the province.

In 2009, the Court began providing information for scheduling Judicial Case Conferences, Civil Pre-Trial Conferences, Registrar Hearings, Rule 68 Case Management Conferences and Summary Conviction Appeals. The publication of this information has significantly improved the efficiency of scheduling dates for a variety of proceedings as counsel needing to schedule a hearing will consult the website for the available dates, work out a date with opposing counsel and then contact Supreme Court Scheduling to book the hearing.

Supreme Court Rules

After a lengthy period of drafting and consultation, the new Civil and Family Rules were adopted on July 1, 2009. They will come into effect on July 1, 2010. The 12 month period between the approval of the new rules and their implementation has provided the Court, members of the bar and the public an opportunity to become well acquainted with the new Civil and Family Rules.

Redesigned Website

The court launched a newly designed website in 2009. The most significant element of the redesign was a complete overhaul of the search engine for the Reasons for Judgment. The judgment database is the heart of our website. The work that we did leading up to the redesign told us that the vast majority of our website visitors look at the Reasons for Judgment. The new search engine improves the ability to search for cases in our judgment database. The feedback that has been received to date has been uniformly positive. The website also provides improved access to scheduling information, registry and Scheduling Department contact information and resources for self-represented litigants. In 2010, we anticipate providing additional

enhancements including an RSS feed for Reasons for Judgment and Announcements and a site search.

Acknowledgements

The Court is served by a staff of professional and experienced personnel in the registry and in the courtrooms and by our judicial administrative staff and judicial law clerks. I extend my thanks to all members of the staff for their efforts on behalf of the Court. I also wish to express my appreciation to my colleagues – the judges, masters and registrars of this Court for their hard work and dedication to the administration of justice in BC. In the few short months that I have been in this office, they have warmly welcomed me and I look forward to continuing to work with them.

Changes in the Court's Complement

2009 was an unusually busy year for new appointments and retirements for the Supreme Court. The Court saw the retirement of one Chief Justice and the appointment of a new Chief Justice. We also welcomed the appointment of many new members to the Supreme Court, congratulated two of our colleagues on their appointment to the Court of Appeal and saw the retirement of a number of our senior colleagues. Sadly, we also mourned the untimely passing of one of our colleagues.

APPOINTMENTS

The Honourable Chief Justice Robert J. Bauman

The Honourable Chief Justice Robert J. Bauman was appointed Chief Justice of the Supreme Court of British Columbia on September 9, 2009.

Chief Justice Bauman received a Bachelor of Laws the University of Toronto in 1974 and was called to Bar of British Columbia in 1975. Chief Justice Bauman practiced in Prince George at Wilson, King & Co, in Kelowna at Wilson, Bauman and in Vancouver at Bull, Housser & Tupper. Chief Justice Bauman was appointed to the Supreme Court of British Columbia in 1996. Chief Justice Bauman was an active member of the Supreme Court's Civil Law Committee including serving as that Committee's Chair from 2005-2008 and was a member of the Attorney General's Rules Revision Committee. In 2008, Chief Justice Bauman was appointed to the British Columbia Court of Appeal where he served until his appointment as Chief Justice.

The Court also welcomed the appointment of twelve new judges and two new masters:

- The Honourable Mr. Justice John S. Harvey
- The Honourable Mr. Justice Peter G. Voith
- The Honourable Mr. Justice Robert J. Sewell
- The Honourable Mr. Justice Frits E. Verhoeven
- The Honourable Madam Justice Hope Hyslop
- The Honourable Mr. Justice Bruce M. Greyell
- The Honourable Mr. Justice Terence A. Schultes
- The Honourable Mr. Justice Robert D. Punnett
- The Honourable Mr. Justice Peter M. Willcock
- The Honourable Mr. Justice Gregory T.W. Bowden
- The Honourable Mr. Justice Brian D. MacKenzie
- The Honourable Mr. Justice Anthony Saunders
- Master Meg Shaw
- Master Carolyn P. Bouck

The Honourable Mr. Justice John S. Harvey

The Honourable Mr Justice John S. Harvey was appointed to the Supreme Court at New Westminster on January 23, 2009. Mr Justice Harvey was appointed to fill the vacancy created when the Honourable Madam Justice Daphne Smith was appointed to the Court of Appeal.

Mr Justice Harvey received a Bachelor of Laws from the University of British Columbia in 1977 and was called to the Bar of British Columbia in 1978. Mr Justice Harvey practised in the area of family law and in 2008 was appointed Queen's Counsel. At the time of his appointment to the bench, Mr Justice Harvey was a partner at Scarborough, Herman and Harvey.

The Honourable Mr. Justice Peter G. Voith

The Honourable Mr. Justice Peter G. Voith was appointed to the Supreme Court at Vancouver on January 23, 2009. Mr. Justice Voith was appointed to fill the vacancy created when the Honourable Madam Justice Mary-Ellen Boyd elected to become a supernumerary judge.

Mr. Justice Voith received a Bachelor of Laws from the University of British Columbia in 1980 and was called to the Bar of British Columbia in 1981. Mr. Justice Voith obtained a Master of Laws degree from Columbia in 1983 and a second Master of Laws degree in 1984 from Cambridge. Mr. Justice Voith returned to Vancouver where he developed a commercial litigation and administrative law practice first at Davis & Company and later at Hunter Voith. Mr. Justice Voith was an adjunct professor at the University of British Columbia Faculty of Law, served for many years on the Ethics Committee and the Discipline Committee of the Law Society of British Columbia and was a contributor to a many CLE programs. In 2004, Mr. Justice Voith was appointed Queen's Counsel and in 2007 he was admitted to the American College of Trial Lawyers.

The Honourable Mr. Justice Robert J. Sewell

The Honourable Mr Justice Robert J. Sewell was appointed to the Supreme Court at Vancouver on January 23, 2009. Mr Justice Sewell was appointed to fill the vacancy created when the Honourable Madam Justice M. Marvyn Koenigsberg elected to become a supernumerary judge.

Mr Justice Sewell received a Bachelor of Laws from the University of British Columbia in 1971, articulated at Shrum, Liddle & Heberton and was called to the Bar of British Columbia in 1972. Mr Justice Sewell developed a corporate commercial litigation and insolvency practice and became a partner at SHrum Liddle prior to its merger with McCarthy Tetrault. Mr Justice Sewell was appointed Queen's Counsel in 2000. At the time of his appointment, Mr. Justice Sewell was a partner at McCarthy Tetrault.

The Honourable Mr. Justice Frits E. Verhoeven

The Honourable Mr. Justice Frits E. Verhoeven was appointed to the Supreme Court at New Westminster on January 23, 2009. Mr. Justice Verhoeven was appointed to fill the vacancy created when the Honourable Mr. Justice W. Glen Parrett elected to become a supernumerary judge.

Mr. Justice Verhoeven received a Bachelor of Laws from the University of British Columbia in 1982, articulated at Edwards, Kenny and Bray and was called to the Bar of British Columbia in 1983. Mr. Justice Verhoeven developed a practice in general civil litigation including commercial litigation, employment, real estate, construction, and administrative law. Mr. Justice Verhoeven was active in the Canadian Bar Association and served as the President of the B.C. Branch of that organization in 2006-2007. At the time of his appointment, Mr. Justice Verhoeven was a partner at Edwards, Kenny and Bray.

The Honourable Madam Justice Hope Hyslop

The Honourable Madam Justice Hope Hyslop was appointed to the Supreme Court at Kamloops on May 15, 2009. Madam Justice Hyslop was appointed to fill the vacancy created when the Honourable Mr. Justice Richard M. L. Blair elected to become a supernumerary judge.

Madam Justice Hyslop received a Bachelor of Laws from the University of British Columbia in 1966 and was called to the Bar of British Columbia in 1967. Madam Justice Hyslop practiced in Kamloops where she developed an expertise in the area of family law. In 2003, Madam Justice Hyslop was appointed Supreme Court Master and she served in that position until her judicial appointment.

The Honourable Mr. Justice Bruce M. Greyell

The Honourable Mr Justice Bruce M. Greyell was appointed to the Supreme Court at Vancouver on May 15, 2009. Mr Justice Greyell was appointed to fill the vacancy created when the Honourable Madam Justice Nicole J. Garson was appointed to the Court of Appeal.

Mr Justice Greyell received a Bachelor of Laws from the University of British Columbia in 1967 and was called to the Bar of British Columbia in 1968. Mr Justice Greyell developed an expertise in labour and employment law and also practiced as a labour arbitrator. Mr. Justice Greyell was one of two Industrial Inquiry Commissioners appointed by the federal government to inquire into industrial relations at West Coast ports and he issued a Report to the Minister of Labour in 1995. Mr. Justice Greyell was appointed Queen's Counsel in 2006. At the time of his appointment to the bench, Mr. Justice Greyell was a partner at Roper Greyell.

The Honourable Mr. Justice Terence A. Schultes

The Honourable Mr Justice Terence A. Schultes was appointed to the Supreme Court at Vancouver on May 15, 2009. Mr Justice Schultes was appointed to fill the vacancy created when the Honourable Madam Justice Elizabeth A. Bennett was appointed to the Court of Appeal.

Mr Justice Schultes received a Bachelor of Laws from the University of Victoria in 1986 and was called to the Bar of British Columbia in 1987. Mr. Justice Schultes joined the Criminal Justice Branch of the Ministry of the Attorney General where he practiced until his appointment the bench. Mr. Justice Schultes was appointed Queen's Counsel in 2006. Mr. Justice Schultes was a frequent contributor to CLE programs and at the time of his appointment was Regional Crown Counsel in Vancouver.

The Honourable Mr. Justice Robert D. Punnett

The Honourable Mr Justice Robert D. Punnett was appointed to the Supreme Court at Prince Rupert on June 19, 2009. Mr Justice Punnett was appointed to fill the vacancy created when the Honourable Mr. Justice D.A. Halfyard elected to become a supernumerary judge.

Mr Justice Punnett received a Bachelor of Laws from the University of British Columbia in 1977 and was called to the Bar of British Columbia in 1978. Mr. Justice Punnett practiced in Prince Rupert in the areas of criminal law and later family law, civil litigation and solicitors work. Mr. Justice Punnett was appointed Queen's Counsel in 2008. Mr Justice Punnett was active in the Canadian Bar Association, the Law Society of British Columbia and the Trial Lawyers Association of British Columbia where he served as director and contributed to the TLABC's education programs. Mr. Justice Punnett also contributed to many CLE programs. Mr Justice Punnett served at various times as a member of the Board of Directors and as Chair of the Board of Directors of the Museum of Northern British Columbia. At the time of his appointment, Mr. Justice Punnett was one of the elected benchers of the Law Society of British Columbia.

The Honourable Mr. Justice Peter M. Willcock

The Honourable Mr Justice Peter M. Willcock was appointed to the Supreme Court at Vancouver on June 19, 2009. Mr. Justice Willcock was appointed to fill the vacancy created when the Honourable Mr. Justice L. Paul Williamson elected to become a supernumerary judge.

Mr. Justice Willcock received a Bachelor of Laws from Dalhousie University in 1982 and was called to the Bar of British Columbia in 1983. Mr. Justice Willcock joined Harper Grey at the conclusion of his articles and developed a civil litigation practice with a particular emphasis on insurance law and professional negligence. In 2002, Mr. Justice Willcock received a Masters of Liberal Studies from Simon Fraser

University. At the time of his appointment, Mr. Justice Willcock was a partner at Harper Grey and was a director of the Continuing Legal Education Society of British Columbia.

The Honourable Mr. Justice Gregory T.W. Bowden

The Honourable Mr Justice Gregory T.W. Bowden was appointed to the Supreme Court at Vancouver on October 2, 2009. Mr. Justice Bowden was appointed to fill the vacancy created when the Honourable Madam Justice Kirsti M. Gill retired.

Mr. Justice Bowden received a Bachelor of Laws from the University of British Columbia in 1970 and was called to the Bar of British Columbia in 1971. Mr. Justice Bowden developed an expertise in tax law. Mr. Justice Bowden has worked with the Canadian Tax Foundation, was a Governor and Chairman of the Law Foundation and served as the Chairman of the Board of the Legal Services Society. In 1996 was appointed Queen's Counsel and in 2004, Mr. Justice Bowden was appointed to the Provincial Court of British Columbia. At the time of his appointment to the Supreme Court, Mr. Justice Bowden was sitting in Vancouver.

The Honourable Mr. Justice Brian D. MacKenzie

The Honourable Mr. Justice Brian D. MacKenzie was appointed to the Supreme Court at Nanaimo on October 23, 2009. Mr. Justice MacKenzie was appointed to fill the vacancy created when the Honourable Mr. Justice A. Fraser Wilson retired.

Mr. Justice MacKenzie received a Bachelor of Laws from Queen's University in 1973 and was called to the Bar of British Columbia in 1974. He served as a Director of the Victoria Legal Aid Services and also practiced in the area of criminal law in Victoria. Mr. Justice MacKenzie was appointed to the Provincial Court in 1990 and at the time of his appointment to the Supreme Court, Mr. Justice MacKenzie was sitting in Victoria.

The Honourable Mr. Justice Anthony Saunders

The Honourable Mr Justice Anthony Saunders was appointed to the Supreme Court on November 26, 2009, and has been assigned to New Westminster. Mr. Justice Saunders was appointed to fill the vacancy created when the Honourable Mr. Justice Ian C. Meiklem elected to become a supernumerary judge.

Mr. Justice Saunders received a Bachelor of Arts in 1981, and a Bachelor of Laws in 1984, both from the University of Toronto. He was called to the Bar of British Columbia in 1985. Mr. Justice Saunders practiced at Guild Yule LLP, where he was a partner at the time of his appointment. His practice involved insurance defence work, including product liability and professional negligence, and he developed an expertise in commercial insurance coverage. Mr. Justice Saunders was an adjunct professor of the Faculty of Law at the University of British Columbia, where he lectured in the area of insurance law. He has lectured widely to organizations such

as CLE and the Canadian Defence Lawyers, and has published in The Advocates' Quarterly and the Canadian Journal of Insurance Law.

Master Meg Shaw

Master Meg Shaw was appointed Master of the Supreme Court on December 11, 2009 and will be sitting in Kamloops. Master Shaw was appointed to fill the vacancy created when Madam Justice Hyslop was appointed to the Supreme Court in Kamloops.

Master Shaw received a Bachelor of Science (Nursing) from the University of Victoria in 1983, a Bachelor of Law Degree from the University of British Columbia in 1988 and was called to the Bar of British Columbia in 1989. Master Shaw practiced civil litigation in Kelowna including a particular emphasis in family law, wills and estates, child protection and family law mediation. From 2001 to 2005, Master Shaw provided services as a Child Advocate and a child apprehension mediator. Master Shaw is a past President of the Canadian Bar Association, BC Branch. Master Shaw was appointed Queen's Counsel in 2006 and at the time of her appointment was a Bencher of the Law Society and a member of the Attorney General's Rules Revision Committee.

Master Carolyn P. Bouck

Master Carolyn P. Bouck was appointed Master of the Supreme Court on December 11, 2009 and will be sitting in Victoria.

Master Bouck received a Bachelor of Laws from the University of Victoria in 1986 and was called to the Bar of British Columbia in 1987. Master Bouck had a varied practice which involved civil and commercial litigation and some criminal work. In 2002, Master Bouck was appointed District Registrar of the Supreme Court. Master Bouck has been active in her community including volunteering with the Salvation Army Legal Education programs and the University of Victoria Faculty of Law Mentorship Program. She was also active in the BC Branch of the Canadian Bar Association, she lectured at the University Faculty of Law and the People's Law School and she contributed to many CLE programs.

ELEVATIONS:

In 2009, two members of the Supreme Court were appointed to the Court of Appeal:

- The Honourable Madam Justice Elizabeth A. Bennett
- The Honourable Madam Justice Nicole J. Garson

The Honourable Madam Justice Elizabeth A. Bennett

The Honourable Madam Justice Elizabeth A. Bennett was appointed to the Court of Appeal on May 19, 2009. Madam Justice Bennett was appointed to fill the vacancy

created when the Honourable Mr. Justice Low elected to become a supernumerary judge.

Madam Justice Bennett received a Bachelor of Laws from the University of British Columbia in 1981 and was called to the Bar of British Columbia in 1982. Madam Justice Bennett was appointed to the Supreme Court in 1997. Madam Justice Bennett was an active member of the Criminal Law Committee and contributed to numerous educational programs during the Supreme Court's education conferences.

The Honourable Madam Justice Nicole J. Garson

The Honourable Madam Justice Nicole J. Garson was appointed to the Court of Appeal on May 14, 2009. Madam Justice Garson was appointed to fill the vacancy created when the Honourable Mr. Justice Kenneth J. Smith elected to become a supernumerary judge.

Madam Justice Garson received a Bachelor of Laws from the University of Saskatchewan in 1975 was called to the Bar of Manitoba in 1977 and the Bar of British Columbia in 1981. Madam Justice Garson was appointed to the Supreme Court in 2001. Madam Justice Garson was a member of the Supreme Court's Education Committee and the Attorney General's Rules Revision Committee.

RETIREMENTS

In 2009, ten members of the Supreme Court retired:

- The Honourable Chief Justice Donald I. Brenner
- The Honourable Mr. Justice David H. Vickers
- The Honourable Mr. Justice A. Fraser Wilson
- The Honourable Madam Justice Kirsti M. Gill
- The Honourable Madam Justice Donna J. Martinson
- The Honourable Mr. Justice Terrance P. Warren
- The Honourable Mr. Justice Ronald R. Holmes
- The Honourable Madam Justice Janet A. Sinclair Prowse
- The Honourable Mr. Justice William B. Scarth
- Master Neil Bolton

The Honourable Mr. Justice David J. Brine died on November 6, 2009.

The Honourable Chief Justice Donald I. Brenner

The Honourable Chief Justice Donald I. Brenner received a Bachelor of Laws from the University of British Columbia in 1970 and was called to the Bar of British Columbia in 1971. Chief Justice Brenner was appointed to the Supreme Court in 1992 and was appointed Chief Justice of the Supreme Court in 2000. Chief Justice Brenner retired on September 7, 2009.

The Honourable Mr. Justice David J. Vickers

The Honourable Mr Justice David H. Vickers received a Bachelor of Laws from the University of British Columbia in 1959 and was called to the Bar of British Columbia in 1960. Mr Justice Vickers was appointed to the Supreme Court in 1992 and elected to become a supernumerary judge in 2004. Mr. Justice Vickers retired on January 1, 2009. Mr. Justice Vickers died on November 14, 2009.

The Honourable Mr. Justice A. Fraser Wilson

The Honourable Mr. Justice A. Fraser Wilson received a Bachelor of Laws from the University of British Columbia in 1974 and was called to the Bar of British Columbia in 1975. Mr Justice Wilson was appointed to the Supreme Court in 1995. Mr. Justice Wilson retired on January 1, 2009.

The Honourable Madam Justice Kirsti M. Gill

The Honourable Madam Justice Kirsti M. Gill received a Bachelor of Laws from the University of British Columbia in 1975 and was called to the Bar of British Columbia in 1976. Madam Justice Gill was appointed to the Supreme Court in 1991. Madam Justice Gill retired on May 31, 2009.

The Honourable Madam Justice Donna J. Martinson

The Honourable Madam Justice Donna J. Martinson received Bachelor of Laws from the University of Alberta in 1972 and was called to the Bar of Alberta in 1972. Madam Justice Martinson obtained a Master of Laws from Cambridge in 1987 and was called to the Bar British Columbia in 1991. Madam Justice Martinson was appointed to the Provincial Court of British Columbia in 1991 and was appointed to the Supreme Court in 1998. Madam Justice Martinson retired on June 30, 2009.

The Honourable Mr. Justice Terrance P. Warren

The Honourable Mr. Justice Terrance P. Warren received a Bachelor of Laws from the University of British Columbia in 1965 and was called to the Bar of British Columbia in 1966. Mr. Justice Warren was appointed to the Supreme Court in 1991 and elected to become a supernumerary judge in 2006. Mr. Justice Warren retired on October 1, 2009.

The Honourable Mr. Justice Ronald R. Holmes

The Honourable Mr. Justice Ronald R. Holmes received a Bachelor of Laws from the University of British Columbia in 1964 and was called to the Bar of British Columbia in 1965. Mr. Justice Holmes was appointed to the Supreme Court in 1989 and elected to become a supernumerary judge in 2004. Mr. Justice Holmes retired on October 9, 2009

The Honourable Madam Justice Janet A. Sinclair Prowse

The Honourable Madam Justice Sinclair Prowse received a Bachelor of Laws from Dalhousie University in 1972 and was called to the Bar of British Columbia in 1973. Madam Justice Sinclair Prowse was appointed to the County Court of British Columbia in 1989 and to the Supreme Court in 1990. Madam Justice Sinclair Prowse elected to become a supernumerary judge in 2008. Madam Justice Sinclair Prowse retired on November 1, 2009.

The Honourable Mr. Justice William B. Scarth

The Honourable Mr. Justice William B. Scarth received a Bachelor of Laws from the University of Manitoba in 1961 and was called to the Bar of Manitoba in 1962 and was called to the Bar of British Columbia in 1967. In 1970, Mr. Justice Scarth received a Master of Laws from the University of Manitoba. Mr. Justice Scarth was appointed to the County Court in 1988 and to the Supreme Court in 1990. Mr. Justice Scarth elected to become a supernumerary judge in 2004. Mr. Justice Scarth retired on December 1, 2009.

Master Neil Bolton

The Honourable Master Neil Bolton received a Bachelor of Laws from the University of Manchester in 1968 and a second Bachelor Laws from the University of British Columbia in 1973. Master Bolton was called to the Bar of British Columbia in 1974. Master Bolton was appointed a Master of the Supreme Court in 1991 and retired on February 18, 2009.

The Honourable Mr. Justice David J. Brine

The Honourable Mr. Justice Brine was born in New Westminster in 1948. He obtained an undergraduate degree in 1970 and a Bachelor of Laws in 1973 both from the University of British Columbia. Mr. Justice Brine obtained a Masters in Law from King's College at the University of London in 1974 and was called to the Bar of British Columbia in 1975. Mr. Justice Brine practiced civil litigation at McQuarrie Hunter as an associate and later as partner and in 2000 was appointed Queen's Counsel. In 2001, Mr. Justice Brine was appointed a Master of the Supreme Court in New Westminster and in 2004, Mr. Justice Brine was appointed to the Supreme Court in New Westminster. Prior to his appointment to the bench, Mr. Justice Brine was active in his community where he served as President of the New Westminster Bar Association, Chair of the Board of Governors of the Law Foundation of British Columbia, as a member of the Executive of the British Columbia Branch of the Canadian Bar Association and an instructor for the Professional Legal Training Course.

Court Committee Reports

Members of the Supreme Court participate on a number of committees which assist the Chief Justice and the Associate Chief Justice with the work and administration of the Court.

The internal committees include the Civil Law Committee, the Courthouse Facilities Committee, the Criminal Law Committee, the Education Committee, the Family Law Committee and the Law Clerks Committee.

There are also a number of committees that operate jointly with members of the Court of Appeal including the Joint Courts Technology Committee and the Judges Library Committee.

Finally, there are committees which include internal and external members. The Judicial Access Policy Working Committee includes Judicial Administration staff from the Court of Appeal, the Supreme Court and the Provincial Court as well as Court Services Branch employees. The Rules Revision Committee, which is a committee of the Attorney General, includes judges and masters of the Court as well as representatives from legislative drafting counsel and the private bar.

Civil Law Committee

Members:

Madam Justice Gray (Chair)
Madam Justice Dorgan
Madam Justice Dillon
Mr. Justice Davies
Mr. Justice McEwan
Mr. Justice Macaulay
Mr. Justice Goepel
Mr. Justice Brine
Mr. Justice Myers
Madam Justice Griffin
Master Scarth
Jill Leacock, Law Officer (Secretary)

The Committee again saw some changes in its membership in 2009. Our colleague and friend, Mr. Justice David Brine, died on November 6, 2009. Mr. Justice Brine was a valued member of the Committee and his absence is deeply felt by the Committee and the Court.

The Committee welcomed two new members to the Committee in 2009: Mr. Justice Myers and Madam Justice Griffin.

In 2009, the Committee continued its work in respect of the amendments to the *Rules of Court*, model Anton Pillar orders and Mareva injunctions, improvements to the processing of sealing orders and a review of the publication ban issues. The Committee also began studying the process of how court orders are entered and what changes could be made to improve the efficiency of the process and to ensure that orders are entered in a timely fashion.

Looking forward to 2010, the Committee will continue to participate in the education of the Court with respect to the New Civil and Family *Rules of Court*. Members of the Committee will also continue to produce and distribute Civil Case Alerts which summarize recent decisions of the B.C. Court of Appeal and the Supreme Court of Canada which are of significance in the area of civil law.

Courthouse Facilities Committee

Members:

Mr. Justice Macaulay (Chair)

Mr. Justice McEwan

Mr. Justice Grist

Mr. Justice Barrow

Mr. Justice Williams

Frank Kraemer, Q.C., Executive Director and Senior Counsel, Judicial Administration

The Courthouse Facilities Committee was constituted in 2006 as a standing committee of the Court. The composition of the Committee is intended to reflect regional representation.

In 2009, much of the Committee's time was devoted to evaluating and making recommendations to the Chief Justice on the Court's response to proposals from the Court Services Branch of the Ministry of the Attorney General respecting Courthouse security. Specifically, the proposals that were put forward included a new high security Courtroom in the Courthouses in each of Victoria and Prince George, security cameras in more Courtrooms throughout the Province where criminal trials are most often conducted and airport style perimeter security for the following Courthouses: Vancouver Law Courts, Victoria, New Westminster, Prince George, Kelowna and Kamloops.

During the year, the Committee also continued its work with respect to facilities for juries both in and out of the Courtroom. In an effort to obtain additional information about concerns with the current jury facilities around the Province, a questionnaire to be completed by judges conducting trials in locations where the Court does not have a resident Judge was prepared.

Criminal Law Committee

Members:

Madam Justice H. Holmes (Chair to May 2009)
Madam Justice Bennett (Vice-Chair to May 2009)
Mr. Justice Cullen (Chair from May 2009)
Mr. Justice Smart (Vice-Chair from October 2009)
Mr. Justice Shabbits
Madam Justice Koenigsberg
Madam Justice Stromberg-Stein
Madam Justice MacKenzie
Mr. Justice Williams
Mr. Justice Ehrcke
Mr. Justice Silverman
Mr. Justice Leask
Madam Justice Dickson
Madam Justice Ker
Heidi McBride, Law Officer (Secretary)

The Criminal Law Committee had some changes to its membership and leadership. After nearly 6½ as Chair, Madam Justice Holmes decided to hand over the reins to Mr. Justice Cullen. Madam Justice Holmes has been and will continue to be a valued member of the Committee. In addition, Madam Justice Bennett resigned from the Committee upon her elevation to the Court of Appeal. Madam Justice Bennett was a long serving, dedicated and hard working member of the Committee for many years especially in respect of her contributions to the education of her colleagues on issues related to criminal law. In October 2009, Mr. Justice Smart agreed to assume the duties of Vice-Chair. Finally, the Committee welcomed some new members: Mr. Justice Leask, Madam Justice Dickson and Madam Justice Ker.

In 2009, the Criminal Law Sub-Committee completed and presented its final report on the management of criminal proceedings. The Sub-Committee recommended some changes to the management of criminal proceedings in British Columbia which were approved by the court in May 2009. The Sub-Committee then embarked on a period of public consultation which culminated in the development of the *Criminal Pre-Trial Conference Management Pilot Project* which will take effect on March 1, 2010 and which will operate for one 1 year.

In addition to its work with the Criminal Law Sub-Committee, the Committee also provided the Court with assistance as to various matters that arose during 2009, including:

- Review of the Court of Appeal decision in *R v. Mizen* which addressed the need for clarity, precision and transparency in the sentencing process and the need to provide a complete and proper record of an offender's punishment. As a result of its review of this decision, the Committee recommended to the

Chief Justice that he issue a direction that all oral reasons for sentence be transcribed. The Chief Justice accepted the Committee's recommendation and, effective, February 1, 2010, all oral Reasons for Sentence will be transcribed.

- Considered and commented on a new process for fixing dates in criminal proceedings in Vancouver and New Westminster which will be introduced in February 2010
- Provided feedback on proposed modifications to Courtroom 62 to accommodate larger criminal jury trials
- Provided regular updates to the Court on current issues in criminal law
- Participated on the Vancouver Law Courts Users Group which is a group made up of criminal registry and court clerk staff as well as members of the bar who meet to discuss registry concerns with respect to procedures in the registry.
- Participated on other internal court committees including the Publication Ban Working Group and the DARS Access Policy Review Group.
- Assisted the Court's Education Committee by facilitating and providing speakers for criminal law programs at the Court's education conferences including *Extradition Act* and *Mutual Legal Assistance Treaty* proceedings, bail procedures and evidentiary issues.
- Supported and its members participated in the court's Law at Lunch program.

Education Committee

Members:

Mr. Justice Davies (Chair until May 2009)
Mr. Justice Kelleher (Chair from June 2009)
Madam Justice Beames (Vice-Chair)
Madam Justice L. Smith
Mr. Justice Cullen
Madam Justice Garson
Mr. Justice Slade
Madam Justice H. Holmes
Madam Justice Ross
Mr. Justice Goepel
Madam Justice Gray
Madam Justice Ballance
Mr. Justice Bernard
Madam Justice Fisher
Mr. Justice Groves
Mr. Justice Smart
Mr. Justice Hinkson
Mr. Justice Butler
Master Baker
Heidi McBride, Law Officer (Secretary)

The mandate of the Education Committee is to assist members of the court to stay informed about developments in the law and to organize regular educational conferences addressing topics of interest.

There were a number of changes to the membership of the Committee in 2009. Mr. Justice Davies resigned his position as Chair; however, continues to serve as a member of the Committee. Mr. Justice Kelleher who served as one of the Committee's Vice-Chairs took over the duties as Chair after the May 2009 Conference. The Committee welcomed a number of new members: Madam Justice L. Smith, Madam Justice Ballance, Mr. Justice Bernard, Madam Justice Fisher and Mr. Justice Butler. The Committee also accepted the resignations of Mr. Justice Goepel and Mr. Justice Slade. In addition, Madam Justice Garson left the Committee upon her appointment to the Court of Appeal. The Committee is very grateful for the valuable contributions made to its work and to the success of its educational programs by Mr. Justice Goepel, Mr. Justice Slade and Madam Justice Garson.

In 2009, two very successful educational conferences were held. The May conference was held in Kelowna while the November conference was held in Vancouver. In addition to the two conferences, the Committee organized a number of informal education sessions which took place bi-monthly during the noon recess. Judges outside Vancouver attend these sessions via teleconference.

The National Judicial Institute continues to provide tremendous support to the Education Committee by way of organizational, planning and logistical assistance for the court's educational conferences. The Committee is most appreciative of this support.

Family Law Committee

Members:

Mr. Justice Joyce (Chair)
Master Donaldson (Vice Chair)
Mr. Justice Cole
Madam Justice Beames
Madam Justice Loo
Mr. Justice Preston
Mr. Justice Chamberlist
Mr. Justice Barrow
Mr. Justice Butler
Master Scarth
Jill Leacock, Law Officer (Secretary)

In 2009, the Committee continued to provide members of the Court with memoranda on topical issues in family law and commentaries on significant family law cases. After developing the protocol to implement the Hague Convention which addresses inter-jurisdictional child custody disputes, the Committee continued to monitor and review the use of the Protocol to ensure that these applications are addressed as quickly as possible. The Committee continues to meet to discuss issues of family law that arise. Looking forward to 2010, the Committee anticipates that the coming into force of the new Family Rules will be the focus of the Committee's attention.

Law Clerks Committee

Members:

Mr. Justice Curtis (Chair)
Madam Justice Dillon
Mr. Justice Pitfield
Madam Justice L. Smith
Mr. Justice Barrow
Jill Leacock, Law Officer
Heidi McBride, Law Officer

The Law Clerk Committee oversees the Judicial Law Clerk Program which was created in 1973 with the goal of improving the quality of advocacy in British Columbia. Each year the Court hires law school graduates who have not yet been called to serve as law clerks to the judges of the Supreme Court.

In September 2009, eighteen law clerks began their clerkships. For the first year in the program, three law clerks were assigned to New Westminster, thirteen law clerks were assigned to Vancouver and two clerks were assigned to Victoria. The Supreme Court law clerks for the 2009/2010 term are:

| <i>Vancouver</i> | <i>New Westminster</i> | <i>Victoria</i> |
|-------------------------|-------------------------------|------------------------|
| Micheal Berger | David Claassen | Ryan Bortolin |
| Gavin Cameron | Tamara Henderson | Christina Drake |
| Alexandra Cocks | Chris Tait | |
| Margo Foster | | |
| Toby Kruger | | |
| Jennifer Lee | | |
| Corinne Longworth | | |
| Virginia Mathers | | |
| Nathaniel Misri | | |
| Johanna Stein | | |
| Kelsey Thompson | | |
| Cameron Wardell | | |
| Maria Zeldis | | |

Each law clerk is assigned to a complement of five to seven judges for whom they undertake legal research and editing and proofreading Reasons for Judgment.

The Committee wishes to extend its gratitude and appreciation for the assistance that they provide to the judges and masters of the Court. The enthusiasm, commitment and dedication that they bring to the work that they do for the Court is invaluable and the members of the Court benefit greatly from the presence of the law clerks.

Joint Courts Technology Committee

Members:

Mr. Justice Masuhara (Chair)

Madam Justice Levine

Mr. Justice Tysoe

Madam Justice Boyd

Mr. Justice Myers

Mr. Justice Rogers

Jennifer Jordan, Registrar, Court of Appeal

Frank Kraemer, Q.C., Executive Director and Senior Counsel, Judicial Administration

Kevin Arens, Director, Information Technology and Finance

Cindy Friesen, Director, Supreme Court Scheduling

Heidi McBride, Law Officer

In 2009, the Committee oversaw the replacement of the court's computers, introduction of a new operating system and a complete overhaul of the court's judgment template. The Computer Replacement Project went smoothly due in no small measure to the planning and training that the judicial support and IT staff put in place prior to the replacement. The Committee was also involved in overseeing the launch of the Court's new website in January 2009. The feedback received by the Committee is that the work done to improve the judgment search engine has been well received and much appreciated. In addition, the Committee began to work on developing policies to assess the acquisition of new software applications and hardware for the members of the Court.

Looking forward to 2010, the Committee will continue working on developing policy that will assist judicial staff carry out their roles. The Committee is also overseeing some pilot projects including expanded use of the Judicial Module for the electronic approval of court orders and the use of tablet laptops by the judiciary as well as the development of a site search function for the Court's website and the re-launch of the Court's intranet site.

Judges Library Committee

Members:

Madam Justice Kirkpatrick (Chair)

Madam Justice Humphries

Madam Justice Kloegman

Frank Kraemer, Q.C., Executive Director and Senior Counsel, Judicial Administration

Diane Lemieux, Librarian

As always, the Judges' Library balanced the need for up-to-date library resources with budgetary constraints.

Expenditures for 2009 totalled \$268,677.79, the majority of which (\$241,557.62) was spent on the top three legal publishers for loose-leaf services, law reports and journals. Total expenditures have declined by \$26,744.34 since 2008.

Subscription services have been trimmed. The full subscription to the D.L.R.s in Victoria was replaced by the paper parts from the Vancouver subscription that are bound and sent to Victoria. This leaves one current set in Vancouver rather than two.

The Judges' Libraries in Victoria, New Westminster, Kamloops and Kelowna are maintained either by local court staff or periodic visits from library staff from Vancouver.

An on-going task is the processing and maintenance of the Court of Appeal and Supreme Court judgments. Library staff processed 573 Court of Appeal judgments, 1915 Supreme Court judgments and 11 Yukon Court of Appeal judgments.

The Judges' Library asked by e-mail whether there was a need for a current copy of the BC Lawyers directory which costs over \$11,000 for 233 copies. The response resulted in a reduction of 57 copies. Free on-line services are available on the Intranet.

Lastly, the Judges' Library gratefully receives donated materials from judges and law offices. Wherever possible, the library endeavours to re-use and recycle material such as criminal codes to public libraries and the Justice Education Society.

Rules Revision Committee

Members:

Mr. Justice Macaulay (Chair)
Madam Justice Dillon
Madam Justice Garson
Mr. Justice Joyce
Mr. Justice Hinkson
Master McCallum
Master Baker
Mr. Peter Behie, Q.C.
Mr. J.E. (Ted) Gouge, Q.C.
Mr. J. Kenneth McEwan, Q.C.
Mr. Dinyar Marzban, Q.C.
Mr. Dan Bennett
Ms. Meg Shaw, Q.C.
Mr. Ken Downing, Q.C., Legislative Counsel
Ms. Jill Leacock, Law Officer (ex officio) (Secretary)

Mandate of the Committee

The *Court Rules Act*, R.S.B.C. 1996, c. 80 provides that the Lieutenant Governor in Council has the power to make rules governing the conduct of litigation in the Supreme Court. The Rules Revision Committee (“Committee”) has an advisory role, assisting the Attorney General in making recommendations to the Lieutenant Governor in Council for rule changes. The Attorney General appoints the members of the Committee by ministerial order, after consultation with the Chief Justice and the Chair. The Committee includes judges, masters, legislative counsel and members of the bar. The members of the bar are chosen for their expertise in civil or family litigation and also broadly represent larger and smaller centres of the province.

After the Committee makes recommendations to the Attorney General regarding proposed amendments, the Attorney General consults with the Chief Justice as is required by the *Court Rules Act*, before presenting the amendments to Cabinet. With the exception of some stand-alone amendments, proposed rule amendments are typically presented to Cabinet in a package each spring. Upon Cabinet approval, the amendments are enacted by Order-in-Council and are usually effective July 1st. Copies of the Orders-in-Council giving effect to the amendments as well as the full text of the Rules is available on the Court’s website at www.courts.gov.bc.ca.

The rewriting of the Supreme Court Civil and Family Rules has involved a significant departure from the usual, incremental process by which rules amendment takes place. Successive drafts of the proposed new rules were issued for comment and extensive consultation with the judiciary, the profession, litigants, and members of public

occurred with the final consultation period being extended to December 31, 2008. The Committee is most appreciative of the thoughtful input that was received.

The Chair wishes to take this opportunity to thank the members of the private bar on the Committee who have so generously volunteered their time and assistance to the work of the Committee.

Composition of the Committee

The Committee's composition changed in 2009 with the resignations of Master Baker who had served for a number of years on the Committee, and of Madam Justice Garson who resigned on her appointment to the Court of Appeal.

New Supreme Court Rules

Historically, rule amendment has proceeded incrementally, with proposals for rule change typically originating with the Committee, or suggested by the judiciary or the profession. In 2006 the Civil Justice Reform Working Group (CJRWG)¹ released its report, "Effective and Affordable Justice" (the "Report") which called for the Supreme Court Rules to be rewritten. A civil drafting group and a family drafting group were established with the mandate, respectively, to create a set of draft civil and family rules reflecting the recommendations of the Report. The drafting groups were established because it was thought that the task of wholly rewriting the Supreme Court Rules was too large for the Committee to take on.

Successive drafts of the new Civil and Family Rules were issued for consultation with the consultation period ultimately extending to December 31, 2008.

The Committee reviewed all of the input received over the course of the consultation period and made its final recommendations to the Attorney General in the spring of 2009. The new Civil and Family Rules were deposited as B.C. Reg. 168/09 and 169/09, and will come into effect on July 1, 2010.

The deferred effective date permits time for the bar and the Court to become well acquainted with the new Civil and Family Rules. As well, the Committee has an opportunity over the course of the next year to recommend further amendments to the Rules before their effective date, as necessary.

The Committee welcomes comments from the Court, members of the bar and the public related to its work. We also appreciate receiving copies of judgments that identify any ambiguities or anomalies in the Rules.

¹ *The CJRWG, a 12 member working group with representation from the judiciary, the profession, and the Ministry of Attorney, was established by the Justice Reform Task Force in 2004.*

Judicial Access Policy Working Committee

Members:

Jennifer Jordan, Registrar, Court of Appeal (Chair)

Frank Kraemer, Q.C., Executive Director and Senior Counsel, Judicial Administration

Virginia Day, Director, Business Transformation & Change Management (to March/09)

Trish Shwart, Executive Director, Business Transformation and Corporate Planning (since June 2009)

Georgina Daniels, Senior Policy and Planning Analyst, Court Services Branch

Jan Rossley, Director Judicial Administration, Provincial Court

Gene Jamieson, Legal Officer, Provincial Court

Kathryn Thomson, Legal Policy Consultant

Mandate of the Committee

The Committee is a joint committee consisting of representatives from all three courts and Court Services members. The Committee develops draft policies and interacts with the various court committees, seeking guidance and approval for the draft policies relating to access to court records, specifically in electronic format. The Chief Justices and Chief Judge are consulted 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 2009, work of this Committee continued to revolve around issues relating to the Digital Audio Recording System (DARS), discussions about access to criminal record information, and consolidation of the various access policies. There were also decisions made regarding access to documents through Court Services Online. The judiciary is involved in preparing a publication ban manual for both judges and staff.

The Public Access Policy for all three courts has been sent to court committees for discussion and approval.

Access to criminal information continues to be discussed. The Provincial Court criminal information was made available to the public online in November 2008 and free access continued through 2009. During 2008-2009 the number of searches was in excess of 40,500. In 2009-2010, the searches increased to 60,800. There will be a dramatic decrease in 2010 once the search fee is introduced. The issue for 2010 will be to determine the criteria for those seeking fee exemptions to access the database.

Technical work is proceeding to permit counsel to access files online which are not available to the public (such as family files).

During the year, the Committee received, considered, and granted a number of applications from a variety of government agencies and departments for access to court records for the purpose of fulfilling their statutory mandates.

Looking Forward to 2010

In addition to considering applications for access to court records, the Committee expects to complete its work on the Public Access Policy and the DARS Access Policy. The Committee will also continue to work on finalizing an Access Policy Manual which is designed to assist Court Services staff in accessing and understanding the access policies of the courts.

Appendix A – Court Information

The charts, graphs and tables in this section provide statistical information regarding the filings in the Supreme Court in respect of new proceedings, trials and long chambers applications.

New Filings in B.C. Supreme Court from 2000-2009

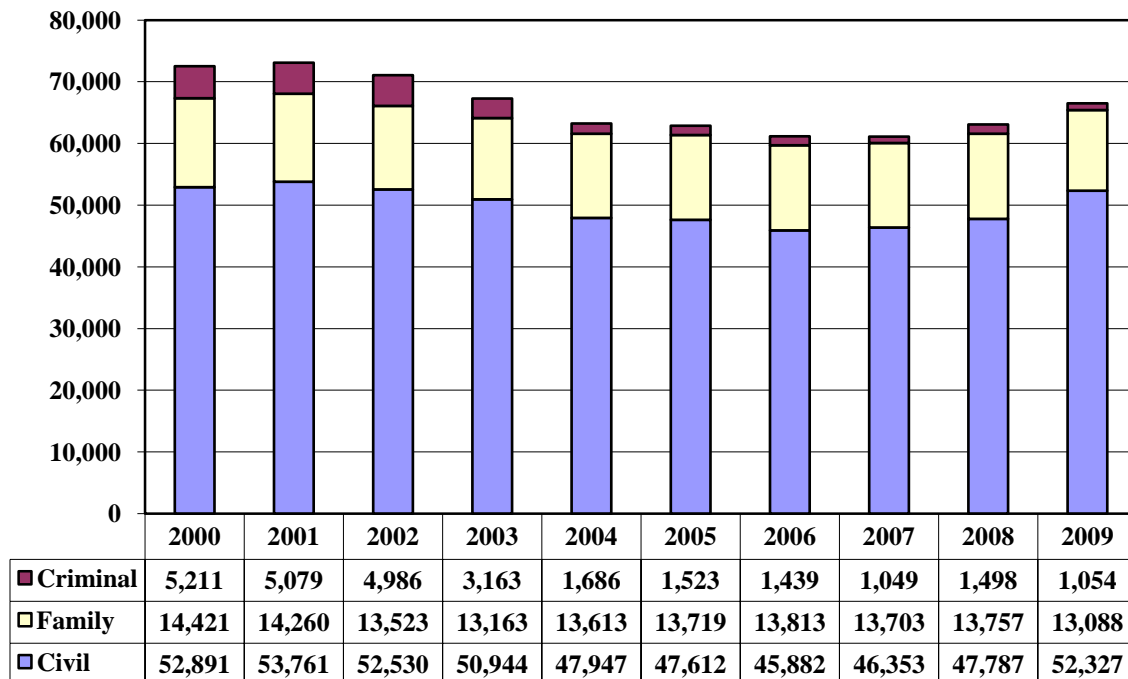


Figure 1

The “Civil” category includes all general civil cases such as motor vehicle, bodily injury, debt collection, breach of contract, foreclosures, adoptions, bankruptcies, and *Business Corporations Act* matters. Prior to September 1, 1998, *Family Relations Act* proceedings are included in the “Civil” category and *Divorce Act* proceedings are included in the “Family” category. After September 1, 1998, *Divorce Act* and *Family Relations Act* proceedings are included in the “Family” category.

With respect to “Criminal” filings it should be noted that amendments to the *Offence Act* which took effect on July 1, 2003 resulted in applications to extend the time for filing an appeal of deemed convictions for traffic and by-law offences being removed from the Supreme Court. This accounts in large part for the decline in the total number of criminal filings beginning in 2003.

New Filings by Category in B.C. Supreme Court in 2009

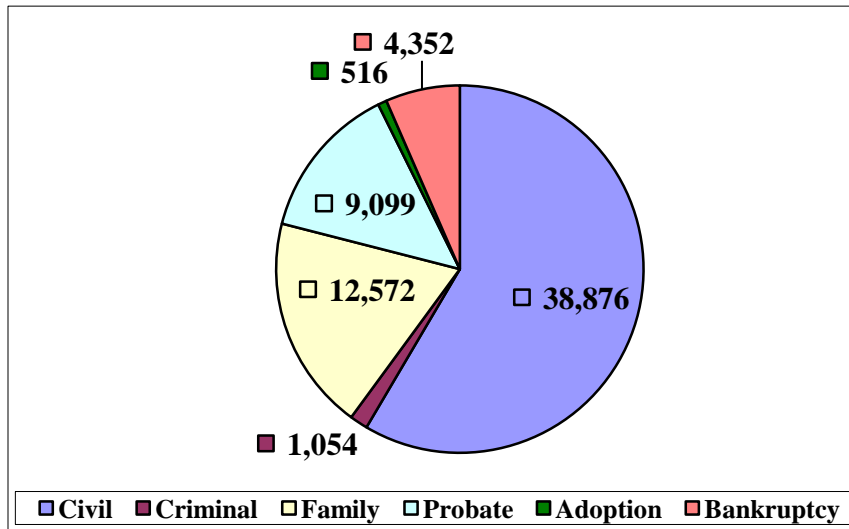


Figure 2

Figure 2 provides greater detail regarding the categories of new filings received by the Supreme Court in 2009. Again, the “Family” category includes *Divorce Act* and *Family Relations Act* proceedings.

Trials and Long Chambers Scheduled in Vancouver from 2000-2009

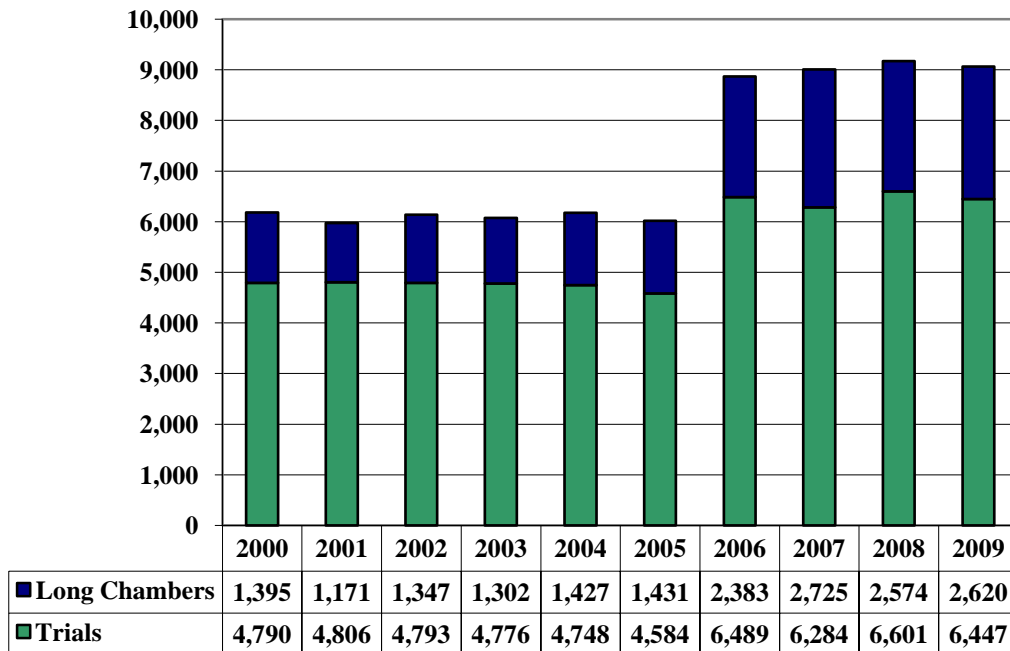


Figure 3

Figure 3 shows the number of civil (including family) trials and long chambers applications (applications with time estimates in excess of 2 hours) scheduled in Vancouver from 2000 to 2009.

Trials Heard and Bumped in BC from 2005 to 2009

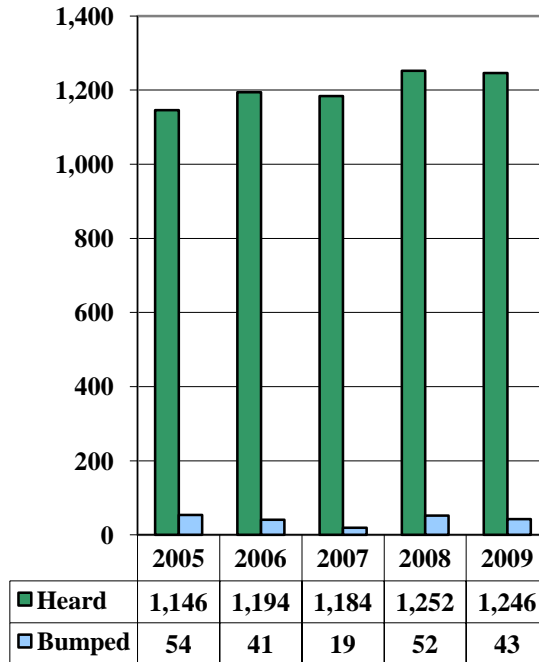


Figure 4 shows the number of civil (including family) and criminal trials heard and bumped in BC from 2005 to 2009.

Figure 4

Trials Heard and Bumped in Vancouver from 2000 to 2009

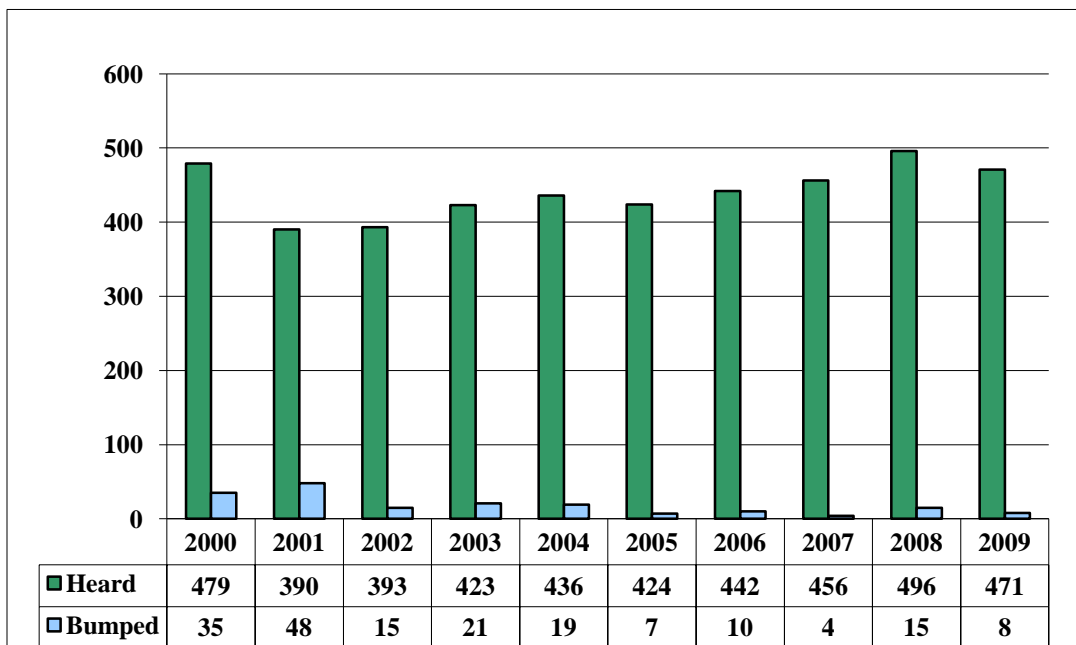


Figure 5

Figure 5 shows the number of civil (including family) and criminal trials heard and bumped in Vancouver from 2000 to 2009.

Long Chambers Application Heard and Bumped in BC from 2005-2009

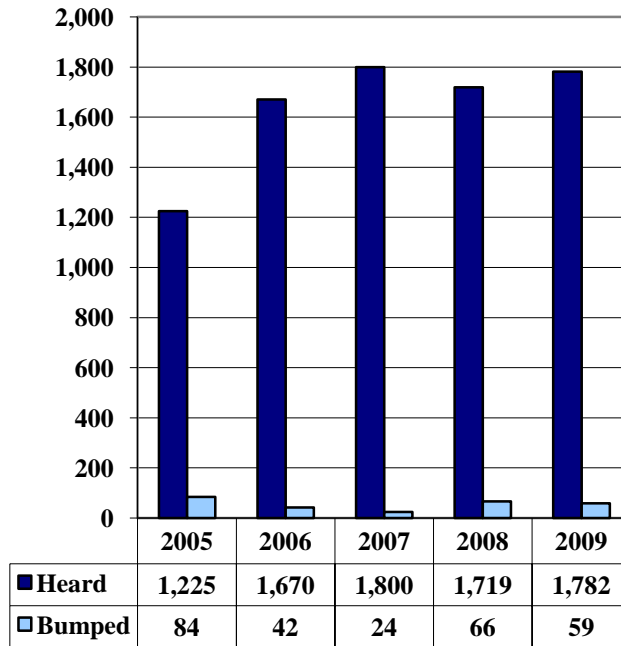


Figure 6 shows the number of civil (including family) long chambers applications heard and bumped in BC from 2005 to 2009.

Figure 6

Long Chambers Application Heard and Bumped in Vancouver from 2000-2009

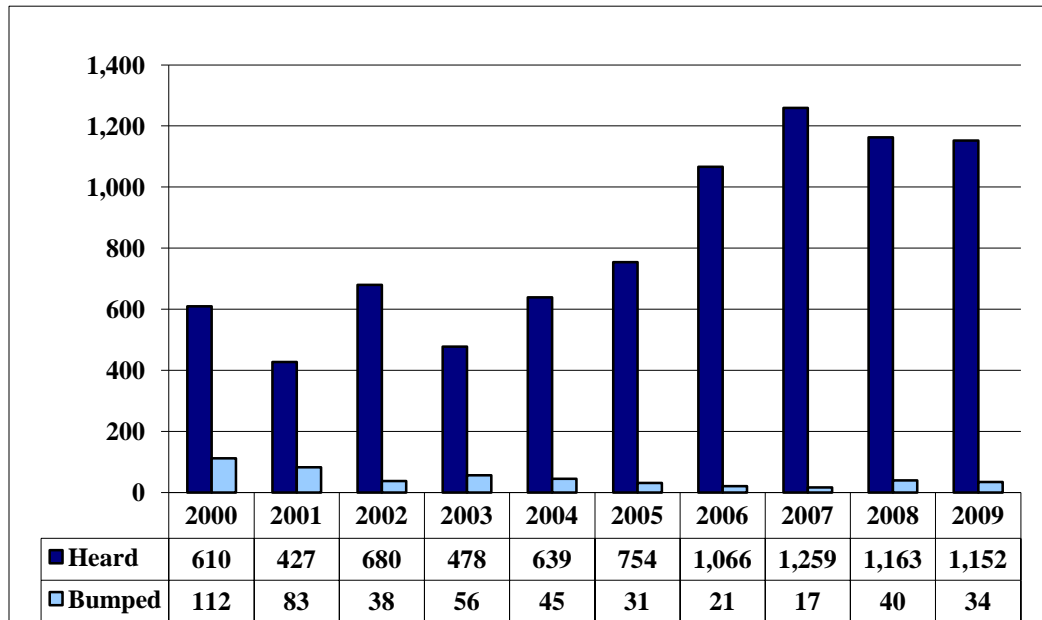


Figure 7

Figure 7 shows the number of civil (including family) long chambers applications heard and bumped in Vancouver from 2000 to 2009.

Trials Heard By Location in 2009

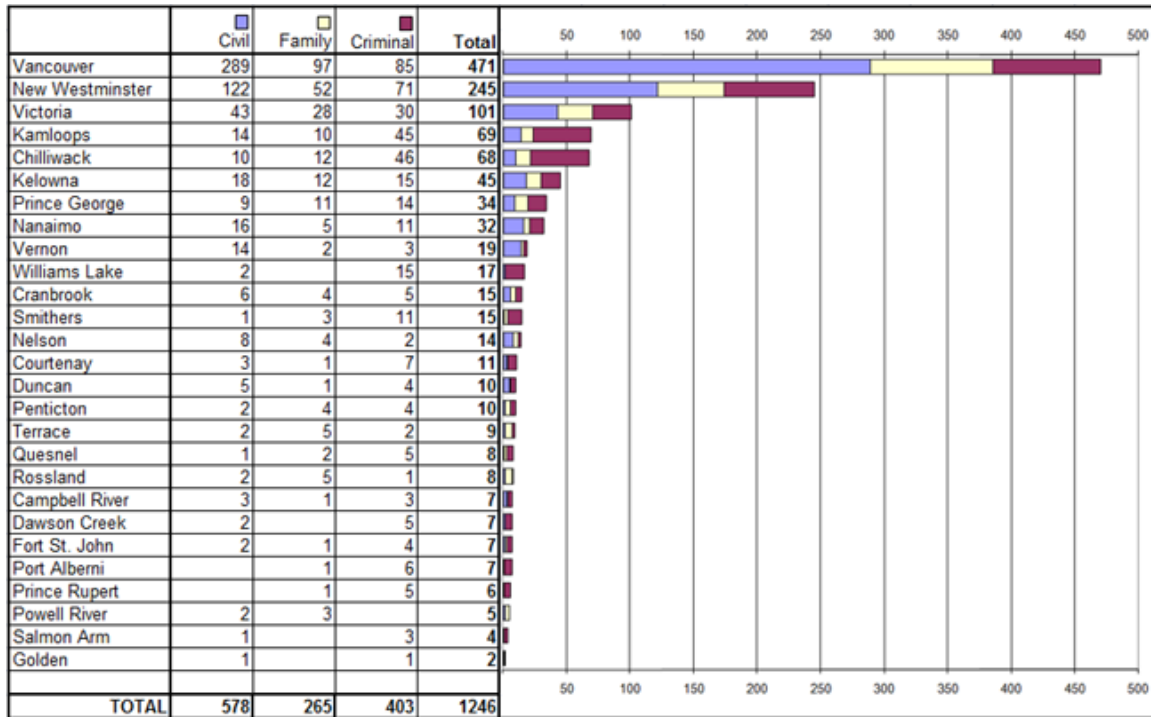


Figure 8

Figure 8 shows the number of civil, family, and criminal trials heard by location (in descending order) in 2009.

Trials Heard By Location in 2009

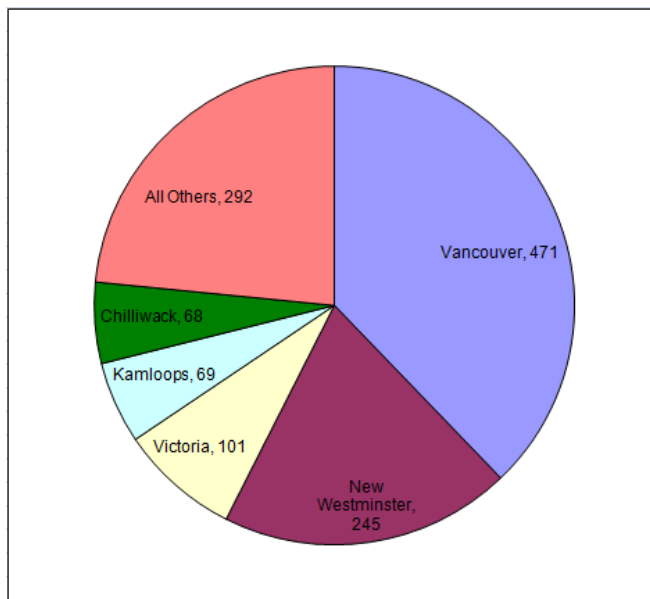


Figure 9

Figure 9 is an alternate representation of the data in Figure 8.

Trials Heard and Bumped by Location in 2009

| | Heard 2009 | | | | Bumped 2009 | | | |
|-----------------|------------|------------|------------|-------------|-------------|-----------|----------|-----------|
| | Civil | Family | Criminal | Total | Civil | Family | Criminal | Total |
| Vancouver | 289 | 97 | 85 | 471 | 6 | 2 | | 8 |
| New Westminster | 122 | 52 | 71 | 245 | 4 | 2 | | 6 |
| Victoria | 43 | 28 | 30 | 101 | 1 | | | 1 |
| Kamloops | 14 | 10 | 45 | 69 | 3 | | | 3 |
| Chilliwack | 10 | 12 | 46 | 68 | 2 | 1 | 1 | 4 |
| Kelowna | 18 | 12 | 15 | 45 | 1 | | | 1 |
| Prince George | 9 | 11 | 14 | 34 | 1 | 2 | | 3 |
| Nanaimo | 16 | 5 | 11 | 32 | | | | |
| Vernon | 14 | 2 | 3 | 19 | 5 | | | 5 |
| Williams Lake | 2 | | 15 | 17 | 1 | 1 | | 2 |
| Cranbrook | 6 | 4 | 5 | 15 | 1 | | | 1 |
| Smithers | 1 | 3 | 11 | 15 | | | | |
| Nelson | 8 | 4 | 2 | 14 | | | | |
| Courtenay | 3 | 1 | 7 | 11 | | | | |
| Duncan | 5 | 1 | 4 | 10 | | | | |
| Penticton | 2 | 4 | 4 | 10 | 1 | | | 1 |
| Terrace | 2 | 5 | 2 | 9 | 2 | 2 | | 4 |
| Quesnel | 1 | 2 | 5 | 8 | | | | |
| Rossland | 2 | 5 | 1 | 8 | | | | |
| Campbell River | 3 | 1 | 3 | 7 | 1 | | | 1 |
| Dawson Creek | 2 | | 5 | 7 | 1 | | | 1 |
| Fort St. John | 2 | 1 | 4 | 7 | | | | |
| Port Alberni | | 1 | 6 | 7 | 1 | | | 1 |
| Prince Rupert | | 1 | 5 | 6 | | | | |
| Powell River | 2 | 3 | | 5 | | | | |
| Salmon Arm | 1 | | 3 | 4 | 1 | | | 1 |
| Golden | 1 | | 1 | 2 | | | | |
| | | | | | | | | |
| TOTAL | 578 | 265 | 403 | 1246 | 32 | 10 | 1 | 43 |

Figure 10

Figure 10 shows the number of civil, family, and criminal trials conducted in each location and the number of scheduled trials which were bumped. A trial is classified as being bumped if it is not commenced or rescheduled within one week of the originally scheduled hearing date.