

2010

Supreme Court of British Columbia

[ANNUAL REPORT]

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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 MacKenzie

- Appointed to the Provincial Court July 5, 1990
- Appointed to the Supreme Court June 20, 1996
- Appointed Associate Chief Justice of the Supreme Court April 23, 2010

The Honourable Associate Chief Justice Dohm ▼

- Appointed to the County Court October 5, 1972
 - Appointed to the Supreme Court May 15, 1980
 - Served as Associate Chief Justice of the Supreme Court February 7, 1995 to April 16, 2010
-

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 Parrett ▶

- Appointed to the Supreme Court February 16, 1990

The Honourable Mr. Justice Wong ▶

- Appointed to the Provincial Court February 20, 1974
- Appointed to the County Court September 4, 1981
- Appointed to the Supreme Court July 1, 1990

The Honourable Mr. Justice McKinnon ▶

- Appointed to the County Court December 5, 1985
- Appointed to the Supreme Court July 1, 1990

The Honourable Madam Justice Boyd ▶

- Appointed to the County Court December 5, 1985
- Appointed to the Supreme Court July 1, 1990

The Honourable Mr. Justice Curtis ▶

- Appointed to the County Court March 11, 1986
- Appointed to the Supreme Court July 1, 1990

The Honourable Mr. Justice Melnick ▶

- Appointed to the County Court October 23, 1987
- Appointed to the Supreme Court July 1, 1990

The Honourable Mr. Justice Preston ▼

- Appointed to the County Court December 18, 1987
- Appointed to the Supreme Court July 1, 1990

The Honourable Madam Justice Allan ▶

- Appointed to the County Court September 8, 1988
- Appointed to the Supreme Court July 1, 1990

The Honourable Mr. Justice Josephson ▶

- Appointed to the Provincial Court February 1, 1975
- Appointed to the County Court October 4, 1989
- Appointed to the Supreme Court July 1, 1990

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 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 Romilly ▶

- Appointed to the Provincial Court November 15, 1974
- 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 Provincial Court December 4, 1989
- Appointed to the Supreme Court February 16, 1996

The Honourable Mr. Justice Cole

- Appointed to Supreme Court March 19, 1996

The Honourable Mr. Justice Grist

- Appointed to the Supreme Court June 20, 1996

The Honourable Madam Justice Morrison ▸

- Appointed to the Supreme Court August 7, 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 Mr. Justice Chamberlist ▼

- Appointed to the Supreme Court February 24, 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 Provincial Court April 21, 1980
- 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 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 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 Provincial Court July 23, 1990
- 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 Provincial Court May 29, 1998
- 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 Provincial Court February 14, 1991
- 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 Punnnett

- 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 Provincial Court May 14, 2004
- Appointed to the Supreme Court October 2, 2009

The Honourable Mr. Justice B. MacKenzie

- Appointed to the Provincial Court October 30, 1990
- Appointed to the Supreme Court October 23, 2009

The Honourable Mr. Justice Saunders

- Appointed to the Supreme Court November 27, 2009

The Honourable Mr. Justice Dley

- Appointed to the Provincial Court June 23, 2008
- Appointed to the Supreme Court March 19, 2010

The Honourable Madam Justice Maisonville

- Appointed to the Supreme Court March 19, 2010

The Honourable Mr. Justice Harris

- Appointed to the Supreme Court March 19, 2010

The Honourable Madam Justice Fitzpatrick

- Appointed to the Supreme Court June 18, 2010

The Honourable Madam Justice Power

- Appointed to the Supreme Court August 6, 2010

The Honourable Mr. Justice Armstrong

- Appointed to the Supreme Court October 1, 2010

The Honourable Madam Justice Watchuk

- Appointed to the Provincial Court October 3, 1994
- Appointed to the Supreme Court October 28, 2010

The Honourable Mr. Justice Blok

- Appointed to the Supreme Court October 28, 2010

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

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 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 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 Carolyn P. Bouck

- Appointed to the Supreme Court December 11, 2009

Master Meg Shaw**

- Appointed to the Supreme Court December 11, 2009

▶ *Supernumerary*

▼ *Retired*

▲ *Appointed to the Supreme Court*

** *Appointed to the Provincial Court*

REGISTRARS OF THE SUPREME COURT OF BRITISH COLUMBIA

William McCallum, Master and Registrar of the Supreme Court

- Appointed November 20, 1989
- Retired as Registrar of the Supreme Court January 1, 2010

Kathryn Sainty, District Registrar

- Date of Appointment - April 1, 2001
- Appointed Registrar of the Supreme Court August 9, 2010

Murray Blok, District Registrar ^{^^}

- Date of Appointment - March 25, 2002

^{^^} *Appointed to Supreme Court*

SUPREME COURT JUDICIAL STAFF

Office of the Chief Justice and the Associate Chief Justice

Linda Larson	Executive Assistant to Chief Justice Bauman
Lois McLean	Executive Assistant to Associate Chief Justice Dohm
Mary Williams	Executive Assistant to Associate Chief Justice MacKenzie
Christine Joseph	Law Officer
Christine Judd	Law Officer
Jill Leacock	Law Officer
Heidi McBride	Law Officer

Judicial Administration

Frank Kraemer, QC	Executive Director & Senior Counsel
Rani Amott	Director, Human Resources and Support Services
Michelle McConnachie	Director, Human Resources and Support Services
Korry Bonhomme	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	Jennifer Brooks	Melissa Cameron
Joy Eliasson	Diane Gooderham	Felipa Ibarrola
Joanne Ivans	Lorrie Jamieson	Wanda Lam
Beverlee Lea	Evelyn Mathesius	Pat Miller
Linda Peter	Terri Rockwell	Samantha Servis
Wanda Wilk	Mary Williams	Gail Woods
Benjamin Woolsey	Stephanie Wyer Rose	Michelle Yung

Judicial Administrative Assistants

Chilliwack

Sharmain Loosdrecht
Yvonne Samek

Cranbrook

Brenda Pocha

Kamloops

Beckie Allen
Jane Raggatt

Kelowna

Sharon LeBlanc
Lana Pardue

Nanaimo

Pat McKeeman
Patricia Robison

Nelson

Kathie Pereverzoff

New Westminster

Jennifer Brooks
Bonnie Healy
Raji Johal
Carrie Mathesius

Prince George

Susan Johns

Smithers

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 Ehtesham	Data Entry Clerk
Elsie Peralta	Data Entry Clerk
Susan Brokenshire	Data Entry Clerk

Kamloops, Cranbrook, Golden, Revelstoke, Salmon Arm

Dave McCoy	Manager, Supreme Court Scheduling
Beckie Allen	Supreme Court Scheduler

Kelowna, Nelson, Penticton, Rossland, Vernon

Janine Benson	Manager, Supreme Court Scheduling
Sandy Sanderson	Manager, Supreme Court Scheduling
Monique Bolduc	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
Debbie Soroka	Supreme Court Scheduler
Leanne Griffith	Supreme Court Scheduler (Chilliwack)
Nancy Richardson	Data Entry Clerk
Jenn Brookes	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, Duncan

Dianne Lezetc Manager, Supreme Court Scheduling
Sandra Smith Supreme Court Scheduler
Jennine Gates Supreme Court Scheduler
Sandy Dahl Supreme Court Scheduler

Judges Library

Diane Lemieux Librarian
Sarah Preston Library Technician

Judgment Office

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
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
Michael Gou Help Desk Technician

JURISDICTION OF THE COURT

Superior 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 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 Supreme Court hears both civil and criminal cases as well as appeals from Provincial Court. The Court also reviews decisions of administrative tribunals such as the Labour Relations Board, the Workers' Compensation Appeal Tribunal and residential tenancy arbitrators.

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 sits 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 sits 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, Rossland, Salmon Arm, Terrace, Vernon and Williams Lake.

Judicial Members of the Supreme Court

As at December 31, 2010, the Supreme Court had 106 judges: the Chief Justice, the Associate Chief Justice, 83 full-time judges and 21 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 their mandatory retirement age of 75 and can only be removed from office for cause.

The Canadian Judicial Council is responsible for investigating and responding to complaints about judicial conduct. The members of the Canadian Judicial Council are the Chief Justices and Associate Chief Justices of the superior courts in each province and territory. The Chief Justice of Canada is the head of the Canadian Judicial Council.

Full-time and Supernumerary Judges

A full-time Supreme Court judge sits for 32 weeks each year and has 20 judgment weeks during which time he or she is not normally scheduled to sit in court. A supernumerary judge sits for 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

As at December 31, 2010, the Supreme Court had 11 masters. Masters are judicial officers appointed by provincial Order-in-Council on the recommendation of the Attorney General after consultation with the Chief Justice. Masters preside in civil chambers and registrar hearings and hear and determine a wide variety of applications in chambers.

District Registrars

As at December 31, 2010, the Supreme Court had 2 district registrars who are located in Vancouver. They are appointed 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.

I am pleased to have this opportunity to report on the activities and initiatives of the Supreme Court in 2010.

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. Studies have repeatedly shown that education is one of the most important factors in creating, maintaining and increasing public confidence in the justice system. The court continues to look for ways to increase citizen's knowledge and understanding of the justice system. The court's efforts are supported by the legal education provided by justices, masters and registrars of the court. My judicial colleagues continue to be actively engaged in contributing to the public's understanding by working with a large and diverse network of community organizations including the Law Foundation of British Columbia, the British Columbia 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, the Justice Institute of British Columbia, the British Columbia Institute of Technology, the Inns of Court Program and a number of other community organizations that host legal education events for members of the public.

Self-represented Litigants

The trend of an increasing number of self-represented litigants appearing before the Court continued in 2010. Self-represented litigants present a particular set of challenges to the court system in British Columbia and 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. The current economic climate means that these organizations are dealing with an ever increasing demand for their services at the same time they are struggling with their own budgetary pressures and funding cuts. .

Using our website, the Court provides legal information and links to resources to litigants. The website also provides links to other organizations which publish legal information or provide low or no cost legal advice. Recently, the Court made information packages on a variety of Supreme Court procedures available on the website. These packages were prepared by judicial staff to assist self represented litigants by providing some general instructions, applicable forms, any related rules and/or Practice Directions specific to the application.

The Court depends heavily on the contributions made by members of the bar and other community members in providing pro bono assistance to self-represented litigants. The Court also acknowledges the growing list of community organizations whose work supports and organizes the volunteer efforts of members of the bar and others 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. . The tradition of pro bono legal services is well established in British Columbia and it is one for which the Court is grateful.

Supreme Court Rules

The new *Supreme Court Rules* came into force on July 1, 2010. The new rules and the changes they brought are a challenge for all of us. While we are still in the early stages of the new rules, in my view, my judicial colleagues, the profession and the registry staff are managing the change well. The Attorney General's Rules Revision Committee is monitoring the impact of the new rules and will continue to do so in order to determine whether the objectives of the rules are being met or whether additional amendments to the rules are required.

Supreme Court Practice Directions

As part of the preparation for the new *Supreme Court Rules*, the court reviewed all of the civil and family practice directions. The result of this review is a more streamlined, standardized and organized set of practice directions.

The Court Records Access Policy

The Court recently published the *Court Records Access Policy* which provides direction for public access to the court file and to audio recording of court proceedings. This project was a tremendous undertaking on the part of a number of members of the court and judicial administration staff. The policy represents the first time that all of the court's access policies, formal, informal and otherwise, have been consolidated and rationalized into a single document. The policy was designed with a view to making it easier for anyone who has an interest in access to the court record to determine whether they can have access and how to go about exercising that access.

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 in civil, family and criminal proceedings across the province:

- Civil and family trials estimated at five days can be booked within five to six months.
- Civil and family trials estimated at 2-3 days can be booked within 1-2 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.

Despite the fact that the new *Supreme Court Rules* have increased the number of hearings required to be scheduled, I am pleased to be able to report that the court is able to schedule these appearances without significant delays:

- Civil Case Planning Conferences can be booked within 2-3 weeks
- Trial Management Conferences can be booked within 1 week
- Judicial Case Conferences can be booked within 1 week
- Settlement Conferences can be booked within 1 week

The BC Snapshot

In 2010 there was a decrease from 2009 in the number of trials and long chambers hearings that were bumped. This is a continuation of a trend that began in 2009. The trend is due, in part, to judicial appointments that were made from 2008 to 2010. The Court remains thankful that the commitment of the federal government to promptly fill judicial vacancies is being met.

New Filings

In 2010 there were:

- 48,591 civil filings (a decrease of 7% from 2009; see Figure 1);
- 13,088 family filings (a decrease of 1% from 2009; see Figure 1); and
- 1,054 criminal filings (a decrease of 9% from 2009; see Figure 1).

Trials

The trial occurs before a judge and sometimes a jury and the parties present their evidence by witnesses giving evidence under oath in court. The Court heard 1106 trials throughout the province which is a decline of 11% from 2009. In 2010, 24 trials were bumped which is a significant decrease of 44% from 2009. (See Figure 4).

Long Chambers Applications

Long Chambers applications are applications which have hearing time estimates of 2 hours or more. The subject matter of long chambers applications is diverse and includes interim orders (e.g., complex document production orders and injunctions) and final orders (e.g., summary trials). In long chambers applications, the evidence is presented to the court in affidavits and there are rarely witnesses giving live testimony.

The Court heard 1869 long chambers applications which is an increase of 4% from 2009. In 2010, 50 scheduled long chambers applications were bumped which is a decrease of 15% from 2009 (see Figure 6). More expansive information as to trials heard and bumped by location is set out in Figures 8, 9, and 10.

Acknowledgements

The Court continues to be supported in its work by the professional and experienced personnel in the registry and in the courtrooms and by our judicial administrative staff. These people work very hard to administer justice in British Columbia and I am grateful for their efforts on behalf of the Court. I also wish to express my thanks and 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. My colleagues continue to provide support and advice with grace and good humour and for that I am most appreciative.

CHANGES IN THE COURT'S COMPLEMENT

Like 2009, 2010 was another busy year for new appointments and retirements for the Supreme Court. The Court saw the retirement of Associate Chief Justice Dohm and the appointment of a new Associate Chief Justice. We also welcomed the appointment of many new members to the Supreme Court, congratulated one of our colleagues on his appointment to the Court of Appeal and saw the retirement of a number of our colleagues.

Appointments

The Honourable Associate Chief Justice Anne W. MacKenzie

The Honourable Associate Chief Justice Anne W. MacKenzie was appointed Associated Chief Justice of the Supreme Court of British Columbia on April 23, 2010 following the retirement of Associate Chief Justice Dohm.

Associate Chief Justice MacKenzie received a Bachelor of Law degree from the University of British Columbia in 1977 and was called to the Bar of British Columbia in 1978. Associate Chief Justice MacKenzie practiced criminal law with the Criminal section of the Department of Justice. In 1990, Associate Chief Justice MacKenzie was appointed to the Provincial Court and in 1996, she was appointed to the Supreme Court. Associate Chief Justice MacKenzie is an active and long serving member of the Supreme Court's Criminal Law Committee, and has served on the Executive Committee of the Court. She has participated regularly in the Court's annual education programs, trial advocacy and Continuing Legal Education programs. In addition, Associate Chief Justice MacKenzie's work included sitting on French language trials.

The Court also welcomed the appointment of eight new judges and one new Registrar:

- The Honourable Mr. Justice S. Dev Dley
- The Honourable Madam Justice Miriam Maisonville
- The Honourable Mr. Justice David C. Harris
- The Honourable Robert A. Prior
- The Honourable Madam Justice Shelley C. Fitzpatrick
- The Honourable Madam Justice Jennifer A. Power
- The Honourable Mr. Justice Trevor C. Armstrong
- The Honourable Madam Justice Jeanne E. Watchuk
- The Honourable Mr. Justice Murray B. Blok
- Kathryn S. Sainty, Registrar of the Supreme Court

The Honourable Mr. Justice S. Dev Dley

The Honourable Mr. Justice Dley was appointed to the Supreme Court at Vancouver on March 19, 2010 to fill the vacancy created when the position of the late Mr. Justice Brine was transferred to Kamloops.

Mr. Justice Dley received a Bachelor of Laws from the University of Victoria in 1978 and was called to the Bar of British Columbia in 1979. Mr Justice Dley practised in the area of civil and criminal litigation. In 1996 Mr. Justice Dley was named Commissioner and General Counsel of the Western Hockey League. In 2000, Mr. Justice Dley returned to private practice where he continued his civil litigation practice with some criminal and administrative matters. In 2008, Mr. Justice Dley was named Chair of the British Columbia Law Foundation. Mr. Justice Dley was a sole practitioner when appointed to the Provincial Court in 2008 and at the time of his appointment, was sitting in Kamloops.

The Honourable Madam Justice Miriam Maisonville

The Honourable Madam Justice Maisonville was appointed to the Supreme Court at Vancouver on March 19, 2010 to fill the vacancy created when the Honourable Mr. Justice Romilly elected to become a supernumerary judge.

Madam Justice Maisonville received a Bachelor of Laws from the University of British Columbia in 1985 and was called to the Bar of British Columbia in 1987 and the Bar of Alberta in 1991. Madam Justice Maisonville practised in the area of criminal defence and civil litigation in a small partnership, Rubin Maisonville, in private practice prior to joining the Criminal Justice Branch of the Ministry of the Attorney General in 1994 where she had a particular focus on commercial crime. Madam Justice Maisonville was a member of the Judicial Council for the Provincial Court of British Columbia, the Bilingual Prosecution Group of the Ministry of the Attorney General, President of the Conférence des juristes d'expression française de common law nationally and President of the Association des juristes d'expression française in British Columbia. Madam Justice Maisonville was also an active member of the B.C. Branch of the Canadian Bar Association and just prior to her appointment to the bench, had served as that organization's President. Madam Justice Maisonville was appointed Queen's Counsel in 2009.

The Honourable Mr. Justice David C. Harris

The Honourable Mr. Justice Harris was appointed to the Supreme Court at Vancouver on March 19, 2010 to fill the vacancy created when the Honourable Mr. Justice Hinkson was appointed to the Court of Appeal.

Mr. Justice Harris received a BA in Philosophy, Politics and Economics from Exeter College, University of Oxford, in 1977; a Master of Philosophy in 1979, and a doctorate (D.Phil., Politics) from Nuffield College, University of Oxford in 1982. Mr. Justice Harris received a Bachelor of Laws from the University of British Columbia in 1985, served as a law clerk to the British Columbia Court of Appeal and was called to the British Columbia Bar 1987. Mr. Justice Harris practised civil litigation with a particular focus on product liability, class action, personal injury, corporate, commercial, real estate, constitutional and mass tort litigation. Mr. Justice Harris was appointed Queen's Counsel in 2004. Mr. Justice Harris taught civil procedure at the University of British Columbia Law School and more was also involved with the Trial Advocacy program and the Inns of Court program. Mr. Justice Harris was an active volunteer with the Continuing Legal Education Society. At the time of his appointment, Mr. Justice Harris was a partner at Hunter Litigation Chambers and was a Fellow of the American College of Trial Lawyers.

The Honourable Mr. Justice Robert A. Prior

The Honourable Mr. Justice Prior was appointed to the Supreme Court at Vancouver on March 19, 2010 to fill the vacancy created when the Honourable Madam Justice Martinson retired.

Mr. Justice Prior received a Bachelor of Science from the University of Toronto in 1983 and a Bachelor of Laws from Osgoode Hall Law School in 1986. He was admitted Bar of Ontario in 1988, the Bar of Alberta in 1993 and the Bar of British Columbia in 1997. Mr. Justice Prior practiced with the Public Prosecution Service of Canada (formerly known as the Department of Justice) where he focused on criminal law as well as areas of public law including tax law, civil litigation and aboriginal law. At the time of his appointment to the bench, Mr. Justice Prior was the Chief Federal Prosecutor at the Public Prosecution Service of Canada, a position he had held since 2006. Mr. Justice Prior has lectured at various courses offered by the Law Society, and has been a guest speaker for groups such as the B.C. Association of Credit Unions, the Investment Dealers Association, the Vancouver Board of Trade and the Vancouver City Council.

The Honourable Madam Justice Shelley C. Fitzpatrick

The Honourable Madam Justice Fitzpatrick was appointed to the Supreme Court at Vancouver on June 18, 2010 to fill the vacancy created when the Honourable Madam Justice A. W. MacKenzie was appointed Associate Chief Justice.

Madam Justice Fitzpatrick received a Bachelor of Laws from the University of Manitoba in 1981 and was admitted to the Bar of Manitoba in 1982, the Bar of British Columbia in 1985 and the Bar of Ontario in 2008. Madam Justice Fitzpatrick practised in the area of insolvency and commercial litigation and was recognized as one of Canada's leading practitioners in this area. Madam Justice Fitzpatrick was the chair of the British Columbia Model Insolvency Order Committee which was responsible for the drafting of the *Model Companies Creditors Arrangement Act* Initial Order and the Model Receivership Order which are used in British Columbia. Madam Justice Fitzpatrick was also a member of the Insolvency Institute of Canada and has lectured and written extensively in the area of insolvency law. At the time of her appointment to the bench, Madam Justice Fitzpatrick was a partner at Davis LLP.

The Honourable Madam Justice Jennifer A. Power

The Honourable Madam Justice Power was appointed to the Supreme Court at Nanaimo on August 6, 2010 to fill the vacancy created when the Honourable Mr. Justice Halfyard elected to become a supernumerary judge.

Madam Justice Power received a Bachelor of Laws from the University of Victoria in 1986 and was called to the Bar of British Columbia in 1987. Upon her call to the bar, Madam Justice Power practised as an associate at Harman, Wilson and Company and then was one of the inaugural counsel with the Family Maintenance Enforcement Project in 1988-1989. Madam Justice Power received a Master of Law degree from the University of Cambridge in 1990. Madam Justice Power joined the Ministry of the Attorney General in 1990 where she practised as Crown Counsel until her appointment to the bench. Madam Justice Power was appointed Queen's Counsel in 2006. At the time of her appointment, Madam Justice Power was Regional Crown Counsel in Victoria where she was responsible for the supervision of all prosecutions on Vancouver Island and for providing legal, operational and policy decisions regarding complex criminal cases.

The Honourable Mr. Justice Trevor C. Armstrong

The Honourable Mr. Justice Armstrong was appointed to the Supreme Court at New Westminster on October 1, 2010 to fill the vacancy created when the Honourable Madam Justice Gropper transferred to Vancouver.

Mr. Justice Armstrong 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 Armstrong practised in the area of civil litigation where he developed a particular focus on personal injury litigation. Mr. Justice Armstrong was appointed Queen's Counsel in 2008. Since 2008, Mr. Justice Armstrong served as a Justice of the Peace Small Claims Court Adjudicator for the Provincial Court. Mr. Justice Armstrong was an active member of the Surrey Bar Association and the New Westminster Bar Association. He also served as the director of many community organizations and was a volunteer with the Western Canada Access Justice Society. At the time of his appointment, Mr. Justice Armstrong was a partner at Hamilton Duncan Armstrong & Stewart Law Corporation.

The Honourable Madam Justice Jeanne E. Watchuk

The Honourable Madam Justice Watchuk was appointed to the Supreme Court at Vancouver on October 28, 2010 to fill the vacancy created when the Honourable Mr. Justice Pitfield retired.

Madam Justice Watchuk received a Bachelor of Laws from the University of Alberta in 1973 and was called to the Bar of British Columbia in 1974. She practised in the area of tax litigation both with the Department of Justice and with private firms until her appointment to the Provincial Court in 1994. Madam Justice Watchuk served both as Administrative Judge and as a member of the Provincial Court Management Committee until August 2010. Her involvement with judicial education included work with the Canadian Institute for the Administration of Justice and lecturing for the National Judicial Institute. She was a member of the Provincial Court Judges Association, the International Commission of Jurists and the International Association of Women Judges. At the time of her appointment to the Supreme Court, Madam Justice Watchuk was sitting in the Criminal Court at 222 Main Street in Vancouver.

The Honourable Mr. Justice Murray B. Blok

The Honourable Mr. Justice Blok was appointed to the Supreme Court at New Westminster on October 28, 2010 to fill the vacancy created when the Honourable Mr. Justice Gaul transferred to Victoria.

Mr. Justice Blok received a Bachelor of Laws from the University of British Columbia in 1982 and was called to the Bar of British Columbia in 1983. Mr. Justice Blok was a civil litigator at Fasken Martineau DuMoulin (formerly Russell & DuMoulin) with a wide-ranging practice that included forestry law, maritime law, products liability and general civil litigation. In 2002, Mr. Justice Blok was appointed District Registrar of the Supreme Court in Vancouver. Mr. Justice Blok has authored a variety of articles in such areas as evidence and legal history, and in his areas of specialty he has written numerous papers and been a frequent speaker at conferences and seminars.

Registrar Kathryn S. Sainty

Registrar Sainty was appointed to the position of Registrar of the Supreme Court on August 9, 2010 to fill the vacancy created when Master McCallum elected to become a supernumerary master.

Registrar Sainty received a Bachelor of Laws from the University of British Columbia in 1985. After articling at Davis & Company (now Davis LLP), Registrar Sainty was called to the Bar of British Columbia in 1986. Registrar Sainty carried out a general practice with Dangerfield & Associates and then Holmes Greenslade. In 1989, Registrar Sainty became an associate with Kane, Shannon & Weiler in Delta where her practice focussed primarily on family law. In 1997, Registrar Sainty became the Supreme Court Law Officer and in 2001 was appointed District Registrar for New Westminster and Vancouver. Registrar Sainty is an annual contributor to *Practice Before the Registrar* and she speaks regularly on matters of practice before the registrar to members of the Bar.

Elevations:

The Honourable Mr. Justice Christopher E. Hinkson

On March 2, 2007, the Honourable Mr. Justice Hinkson was appointed to the Court of Appeal to fill the vacancy created when the Honourable Mr. Justice Bauman was appointed Chief Justice of the Supreme Court of British Columbia.

Mr. Justice Hinkson received a Bachelor of Laws in 1975 from University of British Columbia and was admitted to the Bar of British Columbia in 1976. Mr. Justice Hinkson was appointed to the Supreme Court in 2007 and was a member of the Civil Law Committee and the Education Committee.

Retirements

In 2010, five members of the Supreme Court retired:

- The Honourable Associate Chief Justice Dohm
- The Honourable Mr. Justice Bruce M. Preston
- The Honourable Mr. Justice Ian H. Pitfield
- The Honourable Mr. Justice Eric G. Chamberlist
- The Honourable Mr. Justice Robert A. Prior

The Honourable Associate Chief Justice Patrick D. Dohm

The Honourable Associate Chief Justice Patrick Dohm received a Bachelor of Laws from the University of British Columbia in 1961 and was called to the Bar of British Columbia in 1962. Associate Chief Justice Dohm was appointed to the County Court in 1972 and then to the Supreme Court in 1980. Associate Chief Justice Dohm was appointed Associate Chief Justice of the Supreme Court in 1995 and retired on April 16, 2010.

The Honourable Mr. Justice Bruce M. Preston

The Honourable Mr. Justice Preston received a Bachelor of Laws from the University of British Columbia in 1971 and was called to the Bar of British Columbia in 1972. Mr. Justice Preston was appointed to the

County Court in 1987 and then to the Supreme Court in 1990. Mr. Justice Preston was a long serving member of the Supreme Court's Family Law Committee. Mr. Justice Preston retired on April 13, 2010.

The Honourable Mr. Justice Ian H. Pitfield

The Honourable Mr. Justice Preston received a Bachelor of Laws from the University of Toronto in 1967 and practised in Alberta and Ontario before being called to the Bar of British Columbia in 1972. Mr. Justice Pitfield was appointed to the Supreme Court in 1996. Mr. Justice Pitfield was a member of the Supreme Court's Law Clerks Committee. Mr. Justice Pitfield retired on June 30, 2010.

The Honourable Mr. Justice Eric G. Chamberlist

The Honourable Mr. Justice Chamberlist received a Bachelor of Laws from the University of British Columbia in 1972 and was called to the Bar of British Columbia in 1973. Mr. Justice Chamberlist was appointed a Master of the Supreme Court in 1994 and was appointed to the Supreme Court in 1998. Mr. Justice Chamberlist was a member of the Supreme Court's Family Law Committee. Mr. Justice Chamberlist retired on July 1, 2010.

The Honourable Mr. Justice Robert A. Prior

Mr. Justice Prior resigned on April 16, 2010.

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)
Mr. Justice Myers (Chair)
Madam Justice Dorgan
Madam Justice Dillon
Mr. Justice Davies
Mr. Justice McEwan
Mr. Justice Macaulay
Mr. Justice Goepel
Mr. Justice Smith
Madam Justice Griffin
Mr. Justice Walker
Mr. Justice Willcock
Mr. Justice Bowden
Master Scarth
Master Bouck
Jill Leacock, Supreme Court Law Officer (Secretary)

The Committee saw a number of changes to its membership in 2009. Madam Justice Gray stepped down as Chair, but remains a member of the Committee. The Committee would like to thank Madam Justice Gray for her leadership and is pleased to have her continue participating in the work of the Committee. Mr. Justice Myers agreed to take on the duties of Chair. A number of the Committee's long serving members retired: Madam Justice Dorgan, Madam Justice Dillon and Mr. Justice Macaulay. The Committee is grateful for the contributions that all three made to the work of the Committee. Finally, the Committee welcomed three new members: Mr. Justice Smith, Mr. Justice Walker and Mr. Justice Willcock.

The Committee dealt with several issues arising from the implementation of the new *Supreme Court Civil Rules* and will continue to do so in the 2011. In addition, amongst other issues, the Committee considered public access to DARS (digital audio recording system), removal of personal identifiers from judgments, and the finalisation of model *Anton Pillar* and *Mareva* orders.

COURTHOUSE FACILITIES COMMITTEE

Members: Mr. Justice Macaulay (Chair)
Mr. Justice Grist
Mr. Justice McEwan
Mr. Justice Barrow
Mr. Justice Williams
Mr. Justice Powers
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 2010, the Committee continued its work 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 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. In part due to the Committee's input and the response of the Court to these proposals as well as fiscal constraints, many of the projects were scaled back and some were dropped altogether during the course of the year.

During the year, the Committee also undertook and completed work on a draft Protocol Respecting Courthouse Facilities which the Committee recommended to the Chief Justice be signed by the Ministry of the Attorney General and the Court. The purpose of the Protocol is to ensure that the Court is involved in the planning and execution of any activities that affect courthouse facilities around the province.

CRIMINAL LAW COMMITTEE

Members: Mr. Justice Cullen (Chair)
Mr. Justice Smart (Vice-Chair)
Associate Chief Justice MacKenzie
Mr. Justice Shabbits
Madam Justice Koenigsberg
Madam Justice Stromberg-Stein
Madam Justice Holmes
Mr. Justice Williams
Mr. Justice Ehrcke
Mr. Justice Silverman
Mr. Justice Leask
Madam Justice Bruce
Madam Justice Dickson
Mr. Justice Gaul
Madam Justice Ker
Mr. Justice Schultes
Heidi McBride, Supreme Court Law Officer (Secretary)

There were a few changes in the composition of the Criminal Law Committee in 2010. Mr. Justice Shabbits resigned from the Committee after a number of years of valuable contributions to the committee. The Chair and the Committee are grateful for his service and contributions. The Committee also welcomed some new members: Madam Justice Bruce, Mr. Justice Gaul and Mr. Justice Schultes.

In 2010 the Criminal Law Sub-Committee under the chairmanship of Madam Justice Holmes continued its work in the area of the management of criminal proceedings through the pilot Criminal Pre-Trial Conference Pilot Project. In particular, the Sub-Committee continued to meet with and acquire information from various groups, or organizations and individuals involved in the criminal trial process to monitor the effectiveness of the pilot project, to make any necessary changes and to consider extending the project throughout the province. The Criminal Law's Sub-Committee will evaluate the pilot project at its conclusion and will make recommendations with respect to the future directions.

The Committee, at the request of the Chief Justice provided its views to the Chief Justice and to the Executive Committee on a number of issues including publication of reasons for judgment, delays impacting criminal appeals, the E-court Delivery Service Model Report and a number of electronic filing issues. In addition the Committee provided views to the Court Services Branch on Jury Selection Electronic Screening Process and the use of criminal record checks by Sheriffs on potential jury members. The Committee reviewed the court's policy regarding access to the court record in criminal proceedings including access to the audio recordings and made extensive recommendations regarding public access to the court record in criminal proceedings. The Committee is preparing a standard information package for unrepresented accused which will be available in 2011. The Committee also considered and made recommendations concerning the use of video conferencing in criminal cases, in particular with respect to sentencing.

The Criminal Law Committee also provided the court with assistance with respect to various matters that arose during 2010 including providing representatives for the Court Records and DARS Access Committee, the Publication Bans Working Group, the Vancouver Law Court Users' Committee, the CLE BC Sentencing Database Committee, the Paralegal Working Group and the Courtroom Technology Advisory Committee.

The Committee and its members continue to be active in educational and training activities including organizing and presenting criminal law topics for NJI conferences, Law at Lunch presentations and through ongoing versions of updates to the court on current issues in criminal law. Members of the Committee are also involved in speaking to lawyers, high school students, law students, visiting judges and various other groups through the Justice Education Society, the Inns of Court program, the Continuing Legal Education Society, the B.C. Civil Liberties Association and other similar organizations.

EDUCATION COMMITTEE

Members: Mr. Justice Kelleher (Chair)
Madam Justice Beames (Vice-Chair)
Madam Justice Smith
Mr. Justice Cullen
Madam Justice Holmes
Madam Justice Ross
Madam Justice Gray
Madam Justice Ballance
Mr. Justice Bernard
Madam Justice Fisher
Madam Justice Gropper
Mr. Justice Groves
Mr. Justice Smart
Mr. Justice Hinkson
Mr. Justice Butler
Mr. Justice Voith
Mr. Justice Schultes
Master Baker
Master Keighley
Heidi McBride, Supreme Court 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 2010. The Committee welcomed several new members: Madam Justice Gropper, Mr. Justice Voith, Mr. Justice Schultes and Master Keighley. The Committee also accepted the resignations of Mr. Justice Cullen, Madam Justice Gray, Mr. Justice Bernard and Master Baker. Mr. Justice Hinkson resigned from the Committee upon his 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 Cullen, Madam Justice Gray, Mr. Justice Bernard, Mr. Justice Hinkson and Master Baker.

Two very successful educational conferences were held in 2010. The May conference was held in Victoria and the November conference was held in Vancouver. In addition to the two conferences, the Committee organized a number of lunchtime education sessions. Judges outside Vancouver attend these sessions via teleconference.

The National Judicial Institute continues to provide tremendous support to the Education Committee and to the Court 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: Madam Justice Hyslop (Chair)
Master Donaldson
Mr. Justice Cole
Madam Justice Loo
Mr. Justice Butler
Mr. Justice Pearlman
Mr. Justice Harvey
Master Baker
Jill Leacock, Supreme Court Law Officer (Secretary)

Individual members of the Family Law Committee continue to provide summaries of Court of Appeal cases of interest for the judges, masters and registrars.

The Family Law Committee has made recommendations to the Rules Committee as to the forms that are used for undefended divorces that come across justices' desk.

LAW CLERKS COMMITTEE

Members: Mr. Justice Curtis (Chair)
Madam Justice Smith (Chair)
Madam Justice Dillon
Mr. Justice Pitfield
Mr. Justice Barrow
Madam Justice Arnold-Bailey
Mr. Justice Pearlman
Ms. Jill Leacock, Supreme Court Law Officer
Ms. Heidi McBride, Supreme Court Law Officer

The Committee saw some changes in its composition in 2010. Mr. Justice Curtis, the Committee's long serving Chair, retired as Chair. Mr. Justice Curtis contributed greatly to the work of the Committee and to the success of the Law Clerk Program during his tenure and the Committee is grateful for his contributions. Mr. Justice Pitfield also retired from the Committee upon his retirement from the Court. As with Mr. Justice Curtis, Mr. Justice Pitfield was a long serving member of the Committee and the Committee is grateful for his wise counsel. The Committee welcomed a new Chair, Madam Justice L. Smith and two new members, Mr. Justice Pearlman and Madam Justice Arnold-Bailey.

The Committee sent a representative to the University of British Columbia Faculty of Law and the University of Victoria Faculty Law to discuss the clerking program with students. In March 2011, the Committee interviewed 32 candidates and selected 18 who will begin their clerkships in September 2011.

In September 2010, eighteen law clerks began their clerkships. Continuing with the pattern established in 2009, thirteen law clerks are assigned to Vancouver, three law clerks are assigned to New Westminster and two law clerks are assigned to Victoria.

The Supreme Court law clerks for the 2010/11 term are:

Vancouver:

Michael Bloom	Matthew Nied	Zara Rahman
Melania Cannon	Jennifer O'Leary	James Richardson
Angeline De Vera	Monique Orioux	Shauna Skinner
Katie Hamilton	Nick Peterson	
Ted Murray	Leah Plumridge	

New Westminster:

Lori Leung	Joel Morris	Ben Naylor
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Victoria:

Gordon Brandt	Sharon Fox
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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 to the court's law clerks for the assistance that they provide to the judges and masters of the Court. The enthusiasm, commitment and dedication they bring to their work and to the work of 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 Rogers
Mr. Justice Myers
Master Baker
Jennifer Jordan, Registrar
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 2010, the Committee reviewed the performance issue of laptops which contained encryption software, started a tablet computer project and reviewed various security matters. The Committee was also involved in reviewing the new features of the Court website which include a site search and an RSS feed. These two additions are the result of feedback from users of the website. As well, while the judgment database has always been blocked from Google indexing to protect the privacy of the litigants, the rest of the site is available and is now indexed by Google and other search engines.

In addition, the Committee began to work on developing policies around the acquisition of new software applications and hardware for the members of the Court. To this end terms of reference were prepared and reviewed for the committee.

The Committee met with members of the bar in September to gather information on how the bar is utilizing information technology, what the drivers are, and the application of technology in the Courts. The meeting was well attended and feedback from the profession was very useful. The Committee continues to evaluate the application of information technology in its processes. The Committee notes that some electronic proceedings were planned in 2010 as well for 2011. Results from which will inform the Committee as to the direction to proceed in setting standards.

Another significant issue identified was the infrastructure of the Courts and the lack of technology-friendly courtrooms. Funds will have to be allocated to the improvement of the courtrooms in order to accomplish these goals. The Committee and judges of the courts are generally becoming more engaged in the process of introducing technologies into the registries as well as the courtrooms. Both courts have representation on the Integrated Electronic Courts project of the Ministry of the Attorney General. The project seeks to improve its work processes through electronic filings and electronic processing; as well as, to provide for more electronic information processing hardware and software in the courtroom.

JUDGES LIBRARY COMMITTEE

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

In a time where many are relying less on paper reporters and more on electronic databases the Library decided, due to space and budget constraints, to cancel all of our law reporters purchased by subscription or received in the way of binding in Kamloops, Victoria and New Westminster. Prior to making this decision, we received a positive response from the judges and masters in these locations indicating a willingness to use online resources. Vancouver, being the central source, will continue to subscribe to the BCLR's, CBR's, CCC's, CPC's, CR's, DLR's, RFL's, SCR's, and WWR's for the time being. Duplicate binding of the CCC's, SCR's and BCLR's in Vancouver was also discontinued.

The conversion process for posting of Court of Appeal and Supreme Court judgments, which started in June 2009, continues to be done by the library technician, Sarah Preston, along with Mary Falck, the website administrator, who posts the judgments on to the courts' website, sends them to the various publishers, and notifies the lower court judges of appealed decisions. Diane Lemieux and Susan Devenish continue to act as back-ups for both Sarah and Mary during absences.

As always, the judicial members of the Library Committee thank the library staff for their dedication, hard work, and cheerful responses to the request of judges, masters, law clerks, and judicial administrative assistants.

RULES REVISION COMMITTEE

Members: Mr. Justice N. Smith (Chair)
Madam Justice Dillon
Mr. Justice Joyce
Madam Justice Dickson
Mr. Justice Powers
Master McCallum
Master Young
Mr. Peter Behie, Q.C.
Mr. Dan Bennett
Ms. Marguerite Church
Mr. Dinyar Marzban, Q.C.
Mr. J. Kenneth McEwan, Q.C.
Mr. Eugene Raponi, Q.C.
Mr. Ken Downing, Q.C., Legislative Counsel
Mr. Darin Thompson (ex officio) Court Services Branch
Ms. Jill Leacock, Supreme Court 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.

Composition of the Committee

The membership of the committee changed significantly in 2010, most notably with Mr. Justice Macaulay stepping down as Chair. Macaulay J. was appointed to the committee on August 29, 1990 (as a practitioner member). He was appointed to the Supreme Court in 1997, and reappointed as a judicial member of the Committee in 1998. He served as chair from September 2000 to July 1, 2010. Mr. Justice Hinkson resigned on being appointed to the Court of Appeal. The new judicial members of the

committee are Mr. Justice Smith, who became the new Chair, Mr. Justice Powers, Madam Justice Dickson and Master Young.

Among the representatives of the bar, J. E. (Ted) Gouge, Q.C. stepped down after many years of service and Ms. Meg Shaw, Q.C. resigned on her appointment as a master of the court (and subsequently as a judge of the provincial court.) Ms. Marguerite Church and Mr. Eugene Raponi, Q.C. joined the Committee.

New Supreme Court Rules

Historically, the process by which the rules of court are amended has been one of incremental change as needed. Proposals for changes to specific rules typically originated with the Committee or were suggested by the judiciary or the profession. The Committee considered those changes, in some cases inviting comment from the legal profession and the public, and where appropriate made recommendations to the Attorney General.

The recent rewriting of the rules, which culminated in the introduction of the new *Supreme Court Civil Rules* and *Supreme Court Family Rules*, represented a departure from that usual incremental process. Since the new rules became effective on July 1, 2010, some minor omissions and inconsistencies have been noted and the committee has recommended amendments. Apart from those matters, the Committee has returned to the normal process of incremental change. The Committee will continue to monitor the new rules, but recognizes their operation must be observed for a reasonable period of time before any further major changes are considered. Some issues regarding the implementation and interpretation of the new rules have been the subject of judicial decisions and that process will undoubtedly continue.

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.

JUDICIAL ACCESS POLICY WORKING COMMITTEE

Members: Jennifer Jordan, Registrar (Chair)
Frank Kraemer, Q.C., Executive Director & Senior Counsel, Judicial Administration
Jan Rossley, Director Judicial Administration, Provincial Court
Trish Shwart, Executive Director Business Transformation and Corporate Planning
Kashmiro Cheema, Acting Director, Court Reform
Heidi McBride, Supreme Court Law Officer
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 draft policies relating to access to court records, specifically those in electronic format. The Chief Justices and Chief Judge approve all policies before adoption. In addition to policy work, the Committee also reviews access applications for those seeking access to court record information and makes recommendations to the Chief Justices and the Chief Judge as appropriate.

Work of the Committee

In 2010, 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 preparation and review of court access policies. The Committee also dealt with requests to increase the list of documents which were viewable through Court Services Online (CSO).

The Supreme Court has approved a draft *Court Records Access Policy* which should be available in early 2011. Similarly, the Provincial Court has approved *Policies Regarding Public and Media Access in the Provincial Court of British Columbia* and this again should be available in early 2011. The Court of Appeal will consider these policies before drafting a similar policy for the Court of Appeal.

Access to Provincial Court criminal information was provided free of charge in 2008 and 2009. In 2010 Court Services attempted to impose user access fees. However, this was short-lived and complaints resulted in removing the fees.

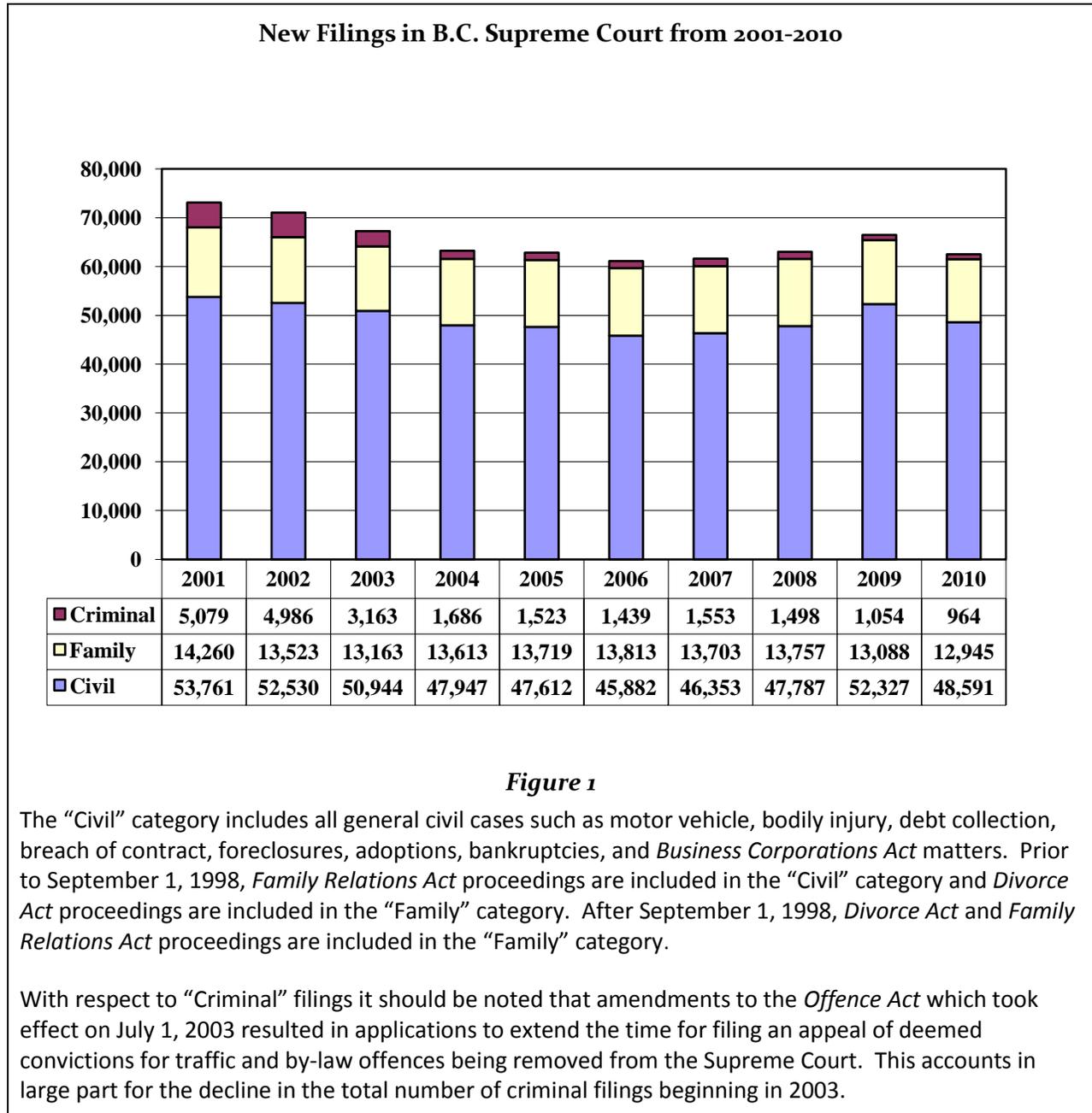
Access to restricted files through CSO by counsel of record has been implemented.

An issue which has been growing over the last year is the use of mobile devices in the courtroom. The presiding judge controls the use of devices in the courtroom (including the use of Twitter and blogging). The Committee will be assisting the judiciary in preparing a policy.

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 mandate.

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 by Category in B.C. Supreme Court

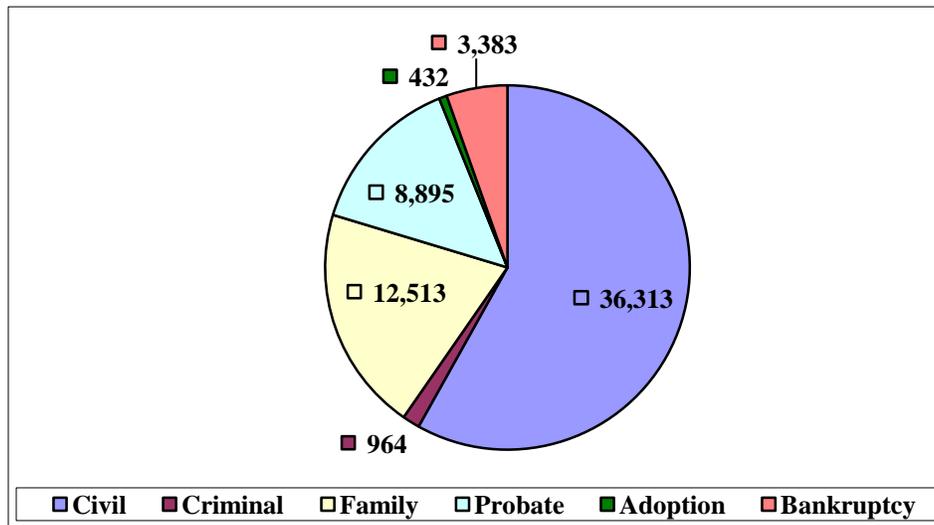


Figure 2

Figure 2 provides greater detail regarding the categories of new filings received by the Supreme Court in 2010. Again, the “Family” category includes *Divorce Act* and *Family Relations Act* proceedings.

Trials and Long Chambers Scheduled in Vancouver from 2001-2010

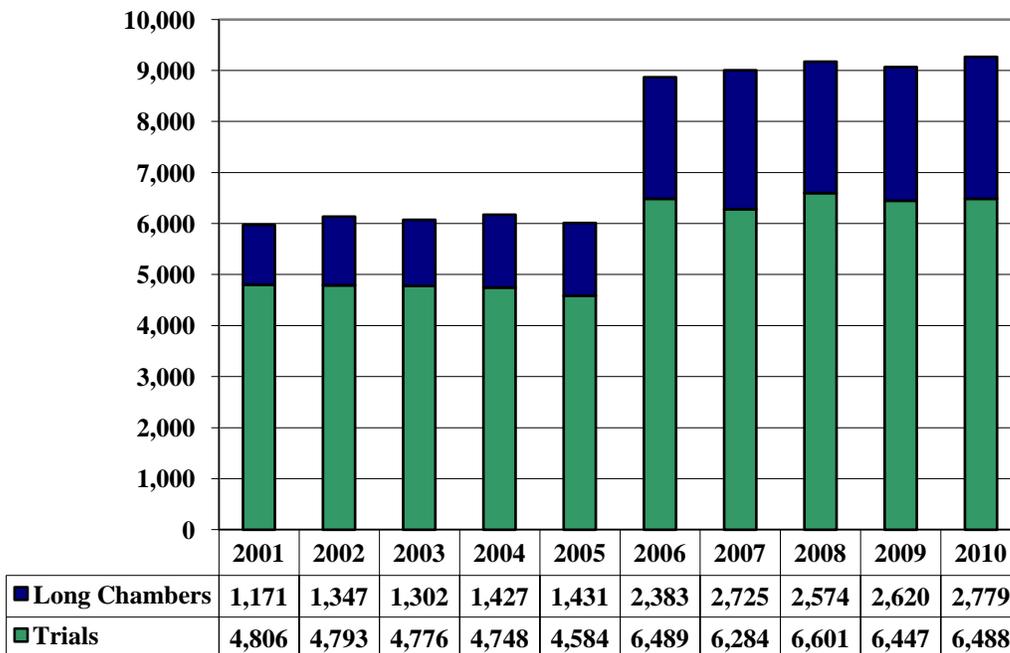


Figure 3

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 2001 to 2010.

Trials Heard and Bumped in BC from 2005 to 2010

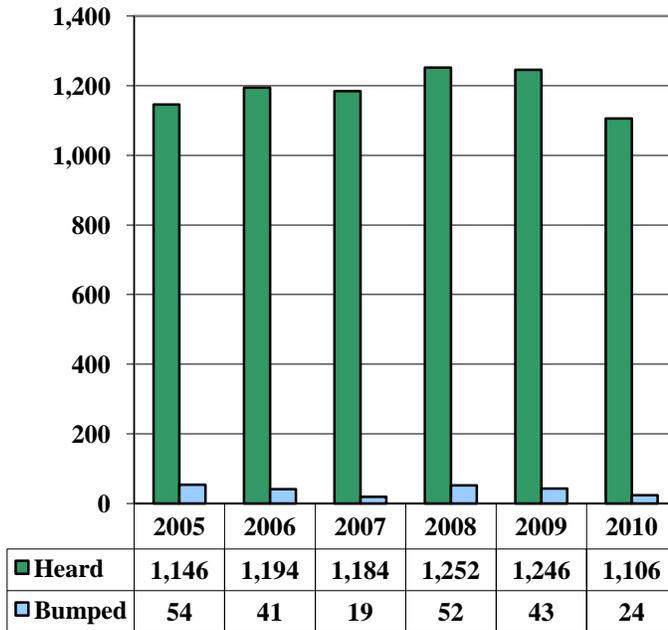


Figure 4

Figure 4 shows the number of civil (including family) and criminal trials heard and bumped in BC from 2005 to 2010.

Trials Heard and Bumped in Vancouver from 2001 to 2010

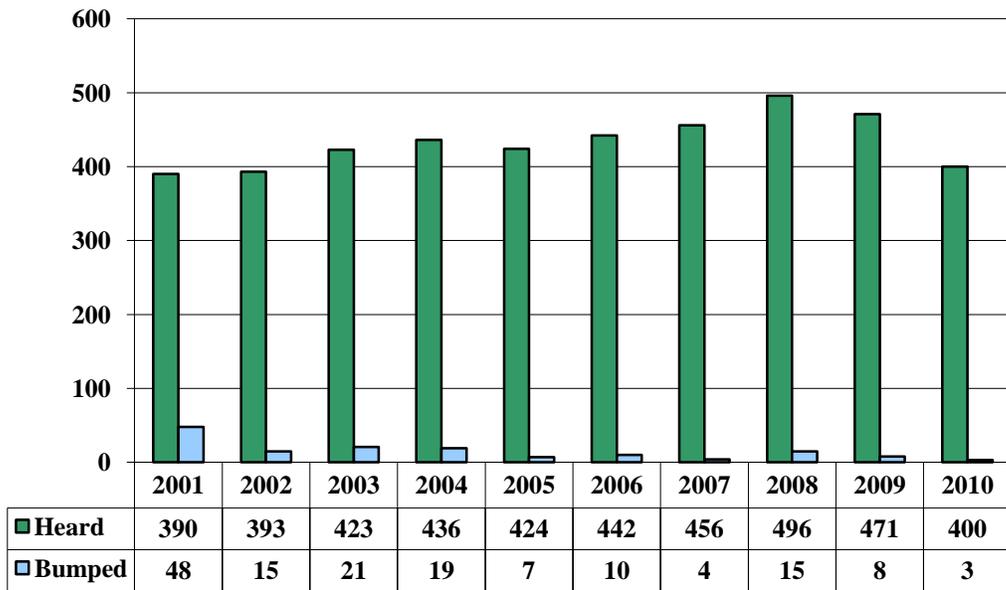


Figure 5

Figure 5 shows the number of civil (including family) and criminal trials heard and bumped in Vancouver from 2001 to 2010.

Long Chambers Application Heard and Bumped in BC from 2005-2010

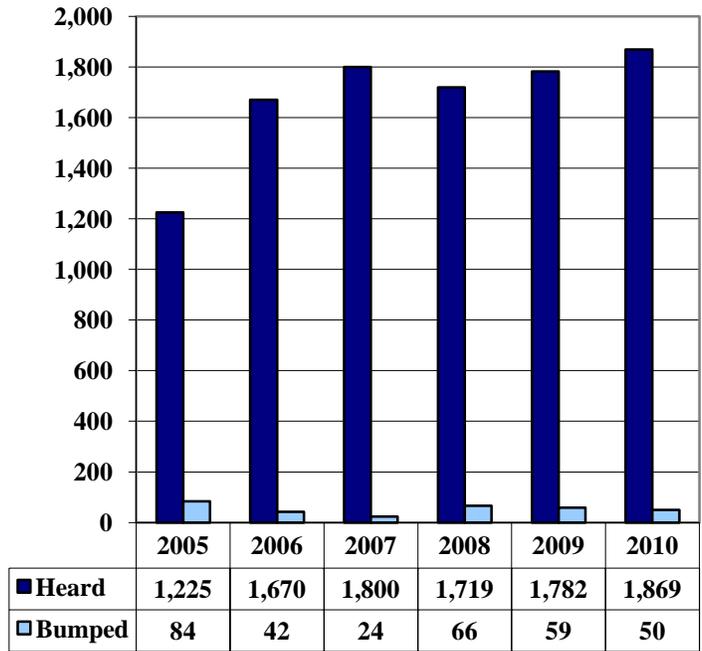


Figure 6

Figure 6 shows the number of civil (including family) long chambers applications heard and bumped in BC from 2005 to 2010

Long Chambers Application Heard and Bumped in Vancouver from 2001-2010

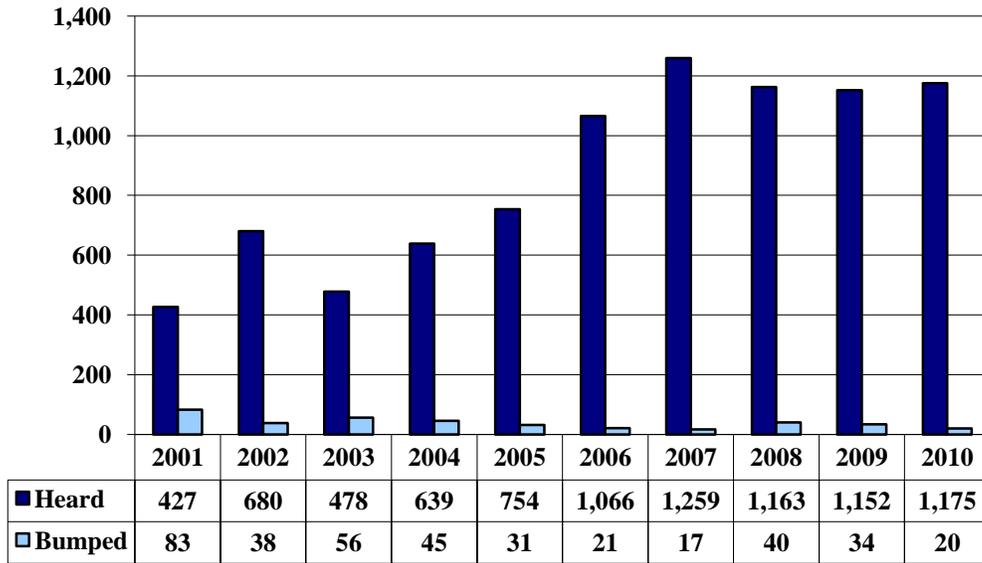


Figure 7

Figure 7 shows the number of civil (including family) long chambers applications heard and bumped in Vancouver from 2001 to 2010.

Trials Heard By Location in 2010

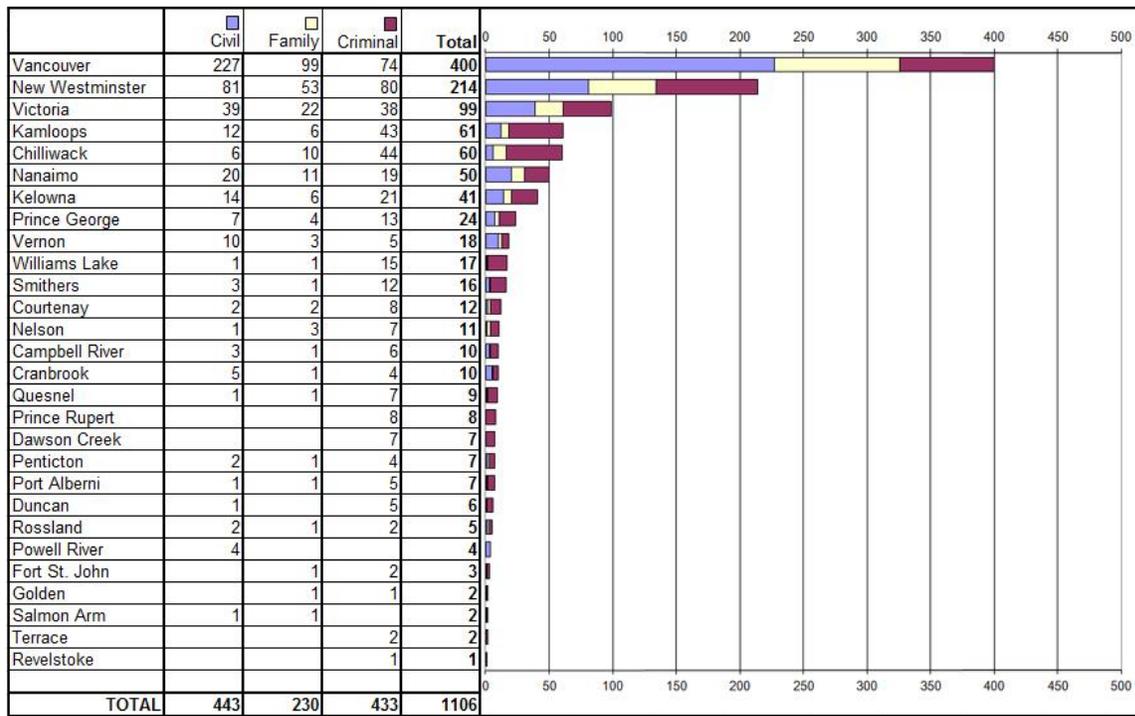


Figure 8

Figure 8 shows the number of civil, family, and criminal trials heard by location (in descending order) in 2010.

Trials Heard By Location in 2010

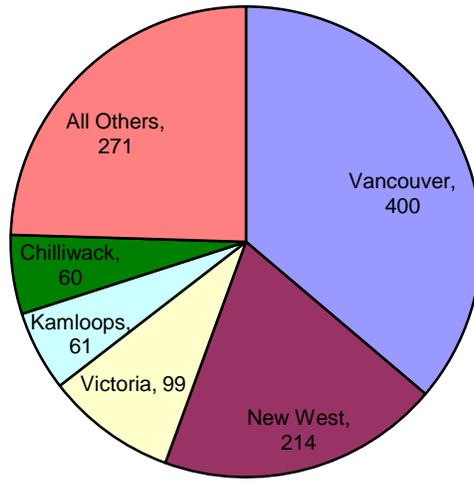


Figure 9

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

Trials Heard and Bumped by Location

	Trials Heard				Trials Bumped			
	Civil	Family	Criminal	Total	Civil	Family	Criminal	Total
Vancouver	227	99	74	400	2	1		3
New Westminster	81	53	80	214	5	1		6
Victoria	39	22	38	99	2			2
Kamloops	12	6	43	61		1		1
Chilliwack	6	10	44	60	1	3		4
Nanaimo	20	11	19	50	1	1		2
Kelowna	14	6	21	41	1	1		2
Prince George	7	4	13	24				0
Vernon	10	3	5	18	1	1		2
Williams Lake	1	1	15	17				0
Smithers	3	1	12	16				0
Courtenay	2	2	8	12				0
Nelson	1	3	7	11				0
Campbell River	3	1	6	10				0
Cranbrook	5	1	4	10		1		1
Quesnel	1	1	7	9				0
Prince Rupert			8	8				0
Dawson Creek			7	7				0
Penticton	2	1	4	7				0
Port Alberni	1	1	5	7				0
Duncan	1		5	6				0
Rosland	2	1	2	5				0
Powell River	4			4				0
Fort St. John		1	2	3				0
Golden		1	1	2		1		1
Salmon Arm	1	1		2				0
Terrace			2	2				0
Revelstoke			1	1				0
TOTAL	443	230	433	1106	13	11	0	24

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.