



SUPREME COURT
OF
BRITISH COLUMBIA

2008 ANNUAL REPORT

The Supreme Court of British Columbia
800 Smithe Street
Vancouver, BC V6Z 2E1

www.courts.gov.bc.ca

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JUSTICES OF THE SUPREME COURT OF BRITISH COLUMBIA

The Honourable Chief Justice Brenner

Appointed to the Supreme Court June 23, 1992

The Honourable Associate Chief Justice Dohm

Appointed to the Supreme Court May 15, 1980

The Honourable Mr. Justice Cohen ▶

Appointed to the Supreme Court March 25, 1987

The Honourable Mr. Justice Maczko ▼

Appointed to the Supreme Court September 8, 1988

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 Singh ▼

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 Satanove**
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 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 Bauman [▲]**
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 Madam Justice D. Smith** ▲
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 Madam Justice Neilson** ▲
Appointed to the Supreme Court in July 1, 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 Mr. Justice Groberman [▲]

Appointed to the Supreme Court in 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 8, 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

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

MASTERS OF THE SUPREME COURT OF BRITISH COLUMBIA

Master A. Donaldson

Appointed November 20, 1989

Master W. McCallum

Appointed November 20, 1989

Master N. Bolton

Appointed August 22, 1991

Master D. Tokarek

Appointed September 9, 1991

Master M. Bishop

Appointed September 9, 1991

Master D. Baker

Appointed July 16, 1998

Master S. Scarth

Appointed November 6, 2000

Master H. Hyslop

Appointed March 21, 2003

Master P. Keighley

Appointed March 8, 2004

Master I. Caldwell

Appointed April 18, 2005

Master G. Taylor

Appointed July 29, 2005

Master B. Young

Appointed December 6, 2006

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

Appointed April 1, 2001

Murray Blok, District Registrar

Appointed March 25, 2002

Carolyn Bouck, District Registrar

Appointed April 2, 2002

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, QC	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
Diane Gooderham	Bonnie Healy
Felipa Ibarrola	Joanne Ivans
Wanda Lam	Beverlee Lea
Evelyn Mathesius	Pat Miller
Linda Peter	Stella Phillip
Terri Rockwell	Samantha Servis
Rita Wikkerink	Wanda Wilk
Mary Williams	Maeve McLoughlin
Gail Woods	Stephanie Wyer Rose
Michelle Yung	

Chilliwack

Sharmain Loosdrecht
Yvonne Samek

Cranbrook

Jeanne Brock

Kamloops

Beckie Allen
Jane Raggatt

Kelowna

Sharon LeBlanc
Lana Pardue

Nanaimo

Pat McKeeman
Patricia Robison

Nelson

Kathie Pereverzoff

New Westminster

Margaret Henderson
Raji Johal
Carrie Mathesius
Brenda Vawda

Prince George

Susan Johns

Prince Rupert

Norma Heke

Smithers

Helen Kerley Gregg

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
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
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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
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Smithers

Sharon Portsch Manager, Supreme Court Scheduling

Victoria

Dianne Lezetc Manager, Supreme Court Scheduling
Kelly Ditmars Supreme Court Scheduler
Clive Hall Supreme Court Scheduler
Sandra Smith Supreme Court Scheduler

Judges Library

Diane Lemieux Librarian
Fairfax Culpepper Library Technician
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

The Supreme Court of British Columbia is the province's superior trial court. It is a court of general and inherent jurisdiction and hears both civil and criminal cases as well as appeals from Provincial Court.

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 eight judicial districts and has resident judges in Vancouver, Chilliwack, Cranbrook, Kamloops, Kelowna, Nanaimo, Nelson, New Westminster, Prince George, 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, Prince Rupert, Quesnel, Revelstoke, Rossland, Salmon Arm, Terrace, Vernon and Williams Lake.

The Supreme Court currently consists of the Chief Justice, Associate Chief Justice, 81 full-time judges and 22 supernumerary judges. Full-time judges sit 32 weeks a year and have 20 judgment weeks during which time they normally sit in court. Supernumerary judges sit 16 weeks each year.

New judges are appointed upon the retirement of a full-time judge or when a full-time judge elects supernumerary status. 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.

The Supreme Court also has 11 masters who are resident in Vancouver, New Westminster, Kamloops and Kelowna. 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.

The Supreme Court also has three district registrars who are located in Vancouver and Victoria. They are appointed under Section 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 2008.

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.

The BC Snapshot

This year saw an increase in the number of trials and long chambers hearings bumped, largely because of judges not being available. This is attributable in part to the number of vacancies on the Court.

In 2008, there were:

- 48,328 civil filings (an increase of 4% from last year; see Figure 1);
- 13,216 family filings (a decrease of 3.5% from last year; see Figure 1); and
- 743 criminal filings (a decrease of 30% from last year; see Figure 1).

The Court heard 1,252 trials throughout the province which represents an increase of 6% from the previous year. In 2008, 52 scheduled trials were bumped. This figure represents an increase of 174% from the previous year. (See Figure 4).

The Court also heard 1,719 long chambers applications which represents a decrease of 4.5% from the previous year. In 2008, 66 scheduled long chambers applications were bumped. This figure represents an increase of 175% from the previous year (see Figure 6). More expansive information as to trials heard and bumped by location is set out in Figures 8, 9, and 10.

The Vancouver Snapshot

In 2008, 6,601 civil (including family) trials (an increase of 5% from the previous year) and 2,574 long chambers applications (a decrease of 5.5%) were scheduled for hearing in Vancouver (see Figure 3).

Of course, a majority of scheduled trials and long chambers applications do not proceed. In 2008, 496 trials were heard in Vancouver which represents a 9%

increase from the previous year. In 2008, 15 scheduled trials were bumped. This represents a 275% increase in bumped trials from the previous year (see Figure 5).

In addition, 1,163 long chambers applications scheduled for hearing in Vancouver were heard (a decrease of 7.6% from the previous year). In 2009, 40 long chambers applications scheduled for hearing in Vancouver were bumped. This represents an increase of 135% increase from the previous year (see Figure 7).

Scheduling information has been available on the court's website since 2006. Current scheduling information is available for family, civil, and criminal hearings for most registries in BC. Publication of information for booking hearing dates has served to dispel the concern that early trial dates were not readily available. Scheduling information is used widely by the bar and the feedback received indicates that the scheduling information is used extensively and that it greatly improves the ability of parties to schedule hearings in an efficient manner. In 2009, we hope to make scheduling information available in all registries and to increase the scheduling information available to include Judicial Case Conferences, pre-trial conferences and Chambers dates.

Supreme Court Rules Revision

This year saw a continuation of the discussion and consultation process in relation to the revision of the Supreme Court rules. In 2006 the Civil Justice Reform Working Group (CJRWG) released its report, "Effective and Affordable Justice" (the "Report") which called for the Supreme Court Rules to be rewritten. A drafting group was established by the CJRWG with a mandate to create a set of draft civil rules reflecting the recommendations of the Report. The drafting group released an initial Concept Draft in July 2007, and the initial period of consultation extended to November 31, 2007.

Some aspects of the initial Concept Draft met with considerable opposition. Two subsequent drafts of the proposed civil rules were issued for consultation in May 2008 and September 2008 respectively and the consultation period was extended to December 31, 2008. A parallel process occurred in relation to the proposed new family rules, with the family rules drafting group preparing successive consultation drafts for review and discussion.

The extensive period of consultation with respect to the proposed new civil and family rules has allowed for a great deal of thoughtful input from the bar, the public and the judiciary. This has resulted in an exchange of viewpoints and refinement of the initial proposals. At the close of the consultation process, the Rules Revision Committee will complete its review, and in 2009, will make its final recommendations concerning the civil and family rules to the Attorney General.

I am grateful that so many of the reforms initiatives recommended in the Report of the Working Group have been or are being adopted in many jurisdictions across Canada.

Self-represented Litigants

In recent years, our Court has continued to see an increase in the number of self-represented litigants. This is a trend occurring in most of the superior courts across the country, and one that is expected to continue.

In 2008, a number of organizations continued to offer free or low cost legal advice and legal information to self-represented litigants including:

- ProBono Law of BC administers a roster program, matching volunteer lawyers with persons requiring pro-bono legal assistance. ProBono Law of BC also continued to operate its weekly civil chambers program in Vancouver, in which volunteer lawyers provide pro bono assistance and representation to unrepresented litigants appearing in civil chambers in the Supreme Court.
- Western Access Justice operates a number of community clinics throughout British Columbia. Its roster of volunteer lawyers gives advice to clients, but they do not go into court or on the record for clients.
- Salvation Army Pro Bono Program operates a number of legal advice clinics throughout British Columbia with the assistance of its volunteer lawyers and financial assistance from the Law Foundation of British Columbia.
- The BC Supreme Court Self-Help and Information Centre which opened in Vancouver in 2005 continues to serve as a resource centre for self-represented individuals in civil and family cases in Supreme Court. The Centre operates on a drop-in basis at 800 Hornby Street, directly across from the Supreme Court. The Centre's staff help litigants prepare for court, locate pro bono legal services, and make referrals for legal representation

The Court acknowledges the contribution of members of the bar in providing pro bono assistance to litigants and is grateful to the various pro bono organizations whose work supports and organizes these volunteer efforts of members of the bar.

As recommended in the Report of the Civil Justice Reform Working Group, a Justice Access Centre opened in Nanaimo in 2007. Initially, the Nanaimo Justice Access Centre was designed as a pilot project to deal with family law issues. However, over time, the mandate was expanded and it now provides services for many civil law issues in addition to family law services. Due to the success of the Nanaimo Justice Access Centre, plans for a second Justice Access Centre in Vancouver were announced by the Attorney General in 2008 with an expected opening date in 2010.

Integrated Electronic Courts

Court Services and the judiciary continue to implement the electronic searching and filing initiative known as Court Services Online. Court Services Online offers free province-wide searching at all court levels for any civil file, and online access to civil files (except family files) for a fee. The implementation of province wide e-filing along

with a scanning project, and enhancements to e-Search allow viewing of electronic documents.

The court will continue to engage technology to improve efficiencies and enhance the capability for using electronic court files and electronic evidence in the courtroom.

Public Affairs

It is important for the media and the public to be informed of matters before the court, and a number of steps have been taken this year toward that objective.

The court's website had a substantial 'overhaul' in 2008. It is recognized that the website is used extensively by media and the public, as well as by the profession for searching judgments and access to other court information. The redesigned website provides easy access to judgments, scheduling information, contact information and resources for self-represented litigants.

In 2008, the Publication Ban Project was extended to New Westminster. The Publication Ban Project was first introduced as a pilot project in 2005. The Publication Ban Project has two components:

- a notification system which provides advance notice of applications for discretionary publication bans in criminal proceedings to anyone who subscribes to the free notification service; and
- a "notice board" on the Court's website which provides information about publication bans orders that have been granted in criminal proceedings.

Acknowledgements

The Court is served by a staff of professional and experienced personnel in the Court Registry, in the courtrooms, and by our judicial administrative staff and 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.

CHANGES IN THE COURT'S COMPLEMENT

APPOINTMENTS:

In 2008, the Court welcomed eleven new judges:

The Honourable Mr. Justice Paul J. Pearlman was appointed to the Supreme Court at Vancouver on January 31, 2008. Mr. Justice Pearlman was appointed to fill the vacancy created when Mr. Justice Frankel was appointed to the Court of Appeal. Mr. Justice Pearlman received a Bachelor of Arts in Law from Cambridge University in 1973 and a Bachelor of Laws degree from Dalhousie University in 1975. Mr. Justice Pearlman was called to the Bar of British Columbia in 1977. Mr. Justice Pearlman was appointed Queen's Counsel in 1998. Mr. Justice Pearlman practised in the areas of commercial arbitration and administrative, labour, aboriginal and employment law. Mr. Justice Pearlman became a fellow of the American College of Trial Lawyers in 2005. At the time of his appointment to the bench, Mr. Justice Pearlman was a partner at Fuller, Pearlman, McNeill.

The Honourable Madam Justice Lauri Ann Fenlon was appointed to the Supreme Court at Vancouver on January 31, 2008. Madam Justice Fenlon was appointed to fill the vacancy created when Madam Justice Morrison elected to become a supernumerary judge. Madam Justice Fenlon received a Bachelor of Law degree from the University of Victoria in 1983. After completing a clerkship at the Supreme Court of Canada with Mr. Justice McIntyre, Madam Justice Fenlon was admitted to the Bar of British Columbia in 1985. Madam Justice Fenlon practised in the areas of civil litigation, family, administrative, commercial, privacy and health law. Madam Justice Fenlon was an instructor in the Advocacy program at the University of British Columbia and was the Vice-Chair of the Board of Directors of Vancouver College from 2003 until her appointment to the Court. At the time of her appointment to the bench, Madam Justice Fenlon was associate counsel at Fasken Martineau DuMoulin.

The Honourable Mr. Justice Geoffrey R. J. Gaul was appointed to the Supreme Court at New Westminster on January 31, 2008. Mr. Justice Gaul was appointed to fill the vacancy created when Mr. Justice Josephson elected to become a supernumerary judge. Mr. Justice Gaul received a Bachelor of Law degree from the University of Windsor in 1988 and was called to the Bar of British Columbia in 1989. Mr. Justice Gaul was a lawyer with the Ministry of the Attorney General, Criminal Justice Branch where he practised in the areas of criminal law, environmental law and aboriginal law. In addition, Mr. Justice Gaul was a member of the Bilingual Prosecution Group of the Ministry of the Attorney General and had been responsible for the recruitment, management and training of bilingual Crown counsel since 1997. In 2000, Mr. Justice Gaul was commissioned as a Lieutenant (Navy) of the

Canadian Forces, Reserves, Office of the Judge Advocate General and was promoted to the rank of Lieutenant-Commander in 2004.

The Honourable Madam Justice Susan A. Griffin was appointed to the Supreme Court at Vancouver on February 20, 2008. Madam Justice Griffin was appointed to fill the vacancy created when Madam Justice Allan elected to become a supernumerary judge. Madam Justice Griffin received a Bachelor of Law degree from the University of Toronto in 1984 and was admitted to the Bar of British Columbia in 1985. In 1992, Madam Justice Griffin received a Master of Laws (with distinction) from the London School of Economics. Madam Justice Griffin was appointed Queen's Counsel in 2005. At the time of her appointment to the bench, Madam Justice Griffin was a partner at Fraser Milner Casgrain LLP where she had a general commercial litigation practice. Madam Justice Griffin is a co-author of *The Conduct of Civil Litigation in British Columbia*.

The Honourable Mr. Justice Christopher Grauer was appointed to the Supreme Court at Vancouver on April 11, 2008. Mr. Justice Grauer was appointed to fill the vacancy created when Mr. Justice Ralph retired. Mr. Justice Grauer received a Juris Doctor from the University of Toronto in 1979. After completing a clerkship at the British Columbia Court of Appeal Chief Justice Nemetz and articling at Bull, Housser & Tupper, Mr. Justice Grauer was called to the Bar of British Columbia in 1981. Mr. Justice Grauer practised at Bull, Housser & Tupper in the field of insurance litigation until 1989 when Mr. Justice Grauer left Bull, Housser & Tupper to form Dives, Grauer & Harper, a litigation boutique specializing in civil litigation and health law. Over the course of his career, Mr. Justice Grauer developed expertise in the areas of medical malpractice, professional liability, defamation, insurance law, health law and administrative law. Mr. Justice Grauer prepared materials and presented at courses for the CLE Society of British Columbia, the Canadian Institute, Insight, the Medical Legal Society of British Columbia and the CBA – BC Civil Litigation subsection.

The Honourable Mr. Justice John E. D. Savage was appointed to the Supreme Court at Vancouver on May 5, 2008. Mr. Justice Savage was appointed to fill the vacancy created by the sudden death of Mr. Justice E.R.A. Edwards. Mr. Justice Savage 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. Mr. Justice Savage practised in the areas of administrative law, charities & societies, real property assessment and developed a particular expertise in the area of tax assessment. At the time of his appointment to the bench, Mr. Justice Savage was a partner at Crease Harman & Company. Mr. Justice Savage, prior to his appointment, was a member of a number of administrative tribunals.

The Honourable Mr. Justice Paul W. Walker was appointed to the Supreme Court at Vancouver on June 18, 2008. Mr. Justice Walker was appointed to fill the vacancy created when Mr. Justice R.J. Bauman was appointed to the Court of Appeal. Mr. Justice Walker received a Bachelor of Law degree from the University of British Columbia in 1979 and was called to the Bar of British Columbia in 1980.

Over the course of his career, Mr. Justice Walker developed an expertise in complex multi-party tort and commercial litigation in the areas of products liability, insurance coverage, professional malpractice, pharmaceutical, environmental contamination and aviation claims. Mr. Justice Walker was appointed Queen's Counsel in 2004. At the time of his appointment to the bench, Mr. Justice Walker was the managing partner at Guild Yule LLP. Mr. Justice Walker prepared papers and presented courses for the Pacific Business and Law Institute, the Pacific Dental Conference, the Canadian Institute and the Defence Research Institute's insurance law program in New York City. Mr. Justice Walker was also one of the founders of the B.C. Advocates Club, was a member of the CBC-BC Civil Litigation and Insurance Law subsections and was involved with the Pro Bono legal advice program operated by the Salvation Army.

The Honourable Madam Justice D. Jane Dardi was appointed to the Supreme Court at Vancouver on June 18, 2008. Madam Justice Dardi was appointed to fill the vacancy created when Madam Justice Lovett resigned who was appointed to fill the vacancy created when Mr. Justice Tysoe when he was appointed to the Court of Appeal. Madam Justice Dardi received a Bachelor of Law degree from the University of British Columbia in 1982 and was called to the Bar of British Columbia in 1983. Over the course of her career, Madam Justice Dardi practised in the area of wills and estates and developed a particular expertise in will, estates & trusts litigation. At the time of her appointment to the bench, Madam Justice Dardi was a partner at Legacy Tax & Trust Lawyers.

The Honourable Madam Justice Kate M. Ker was appointed to the Supreme Court at New Westminster on June 18, 2008. Madam Justice Ker was appointed to fill the vacancy created when Madam Justice Sinclair Prowse elected to become a supernumerary judge. Madam Justice Ker received a Bachelor of Law degree from the University of British Columbia in 1986 and was admitted to the Bar of British Columbia in 1989 after articling and practicing briefly in Ontario. Madam Justice Ker practised criminal law throughout her career both as defence counsel and Crown counsel. At the time of her appointment to the bench, Madam Justice Ker was Crown counsel with the Criminal Appeal branch of the Ministry of the Attorney General.

The Honourable Mr. Justice Neill Brown was appointed to the Supreme Court at New Westminster on July 30, 2008. Mr. Justice Brown was appointed to fill the vacancy created when Madam Justice Neilson was appointed to the Court of Appeal. Mr. Justice Brown received a Bachelor of Law degree from the University of British Columbia in 1974 and was admitted to the Bar of British Columbia in 1975. Mr. Justice Brown was a partner at Linley Duignan from 1978 to 1998 where he developed an expertise in civil litigation practice. In addition to his civil litigation practice, Mr. Justice Brown was a Chartered Mediator. From 1998 until his appointment to the bench, Mr. Justice Brown continued his civil litigation work as a sole practitioner and his work as a Chartered Mediator.

The Honourable Madam Justice Elaine J. Adair was appointed to the Supreme Court at Vancouver on November 28, 2008. Madam Justice Adair was appointed to fill the vacancy created when Mr. Justice Groberman was appointed to the Court of Appeal. Madam Justice Adair received a Bachelor of Law degree from the University of Toronto in 1981 and was admitted to the Bar of British Columbia in 1982. Madam Justice Adair also has a Bachelor of Music in Music History and a Master of Arts in Musicology from the University of Western Ontario. Over the course of her career, first as an associate with Shrum, Liddle & Heberton and later as a partner at McCarthy Tetrault, Madam Justice Adair developed a particular expertise in class action defence, corporate-commercial disputes and product liability. At the time of her appointment to the bench, Madam Justice Adair was a partner at Clark, Wilson. Madam Justice Adair is an active supporter of arts organizations including the Vancouver Recital Society and Early Music Vancouver.

ELEVATIONS:

In 2008, four members of our court were appointed to the Court of Appeal:

The Honourable Mr. Justice Robert J. Bauman was appointed to the Court of Appeal on February 20, 2008 to fill a vacancy created when Mr. Justice Donald elected to become a supernumerary judge. Mr. Justice Bauman received his law degree from the University of Toronto in 1974 and was called to the Bar of British Columbia in 1975. Mr. Justice Bauman was appointed to the Supreme Court on June 20, 1996. At the time of his appointment to the Supreme Court, Mr. Justice Bauman was a partner at Bull, Housser & Tupper. Mr. Justice Bauman was active on many of the Court's committees including the Rules Revision Committee and the Civil Law Committee.

The Honourable Madam Justice Daphne M. Smith was appointed to the Court of Appeal on May 9, 2008 to fill a vacancy created when Madam Justice Ryan elected to become a supernumerary judge. Madam Justice Smith received her law degree from the University of British Columbia in 1975 and was admitted to the Bar of British Columbia in 1976. Madam Justice Smith received a Queen's Counsel designation in 1993. Madam Justice Smith was appointed to the Supreme Court at New Westminster on December 19, 1996 and in 2007 was transferred to the Supreme Court at Kamloops. At the time of her appointment to the Supreme Court, Madam Justice Smith practised with Mair Jensen Blair in Kamloops. Madam Justice Smith was active on many of the Court's Committees including the Executive Committee, the Family Committee and, at the time of her appointment to the Court of Appeal, the Education Committee.

The Honourable Madam Justice Kathryn E. Neilson was appointed to the Court of Appeal on May 9, 2008 to fill a vacancy created when Madam Justice Prowse elected to become a supernumerary judge. Madam Justice Neilson received a Bachelor of Laws degree from Dalhousie University in 1974 and was called to the

Bar of British Columbia in 1975. In 1980, Madam Justice Neilson received a Bachelor of Civil Laws degree from Oxford. Madam Justice Neilson was appointed to the Supreme Court at Vancouver on July 2, 1999. At the time of her appointment to the Supreme Court, Madam Justice Neilson practised at Harper Grey Easton. Madam Justice Neilson was the Chair of the Federal Judicial Appointments Committee from 2002-2006 and was active on a number of the Court's committees including the Education Committee.

The Honourable Mr. Justice Harvey M. Groberman was appointed to the Court of Appeal on May 9, 2008 to fill a vacancy created when Madam Justice Rowles elected to become a supernumerary judge. Mr. Justice Groberman received his law degree from the University of Toronto in 1982 and a Master of Laws from Oxford in 1992. For most of his career, Mr. Justice Groberman practised with the Ministry of the Attorney General in the Civil Litigation and Constitutional and Administrative Law sections. Mr. Justice Groberman was appointed Queen's Counsel in 1999. Mr. Justice Groberman was appointed to the Supreme Court at Vancouver on December 14, 2001. At the time of his appointment to the Court of Appeal, Mr. Justice Groberman was the Chair of the Court's Technology Committee.

RETIREMENTS

In 2008, two judges retired from the Court:

The Honourable Mr. Justice Frank Maczko was born in 1937. Mr. Justice Maczko received a Bachelor of Law degree from the University of British Columbia in 1963 and was called to the Bar of British Columbia in 1964. Mr. Justice Maczko was appointed to the Supreme Court in Vancouver on September 8, 1988. Mr. Justice Maczko elected to become a supernumerary judge in 2003 and retired on July 1, 2008.

The Honourable Mr. Justice Thimersingh M. Singh was born in 1933 in Natal, South Africa. Mr. Justice Singh received a Bachelor of Law degree from the University of South Africa at Pretoria and was called to the bar in Natal in 1965. In 1967, Mr. Justice Singh immigrated to Canada and in 1968 he was called to the Bar in Manitoba. In 1974, he came to British Columbia where he was admitted to the Bar. In 1986, Mr. Justice Singh was appointed to the County Court at New Westminster on December 31, 1986 and to the Supreme Court on July 1, 1990. Mr. Justice Singh elected to become a supernumerary judge in 2002 and retired on July 30, 2008.

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, Courthouse Facilities Committee, Criminal Law Committee, Education Committee, Family Law Committee, Law Clerks Committee and Public Affairs Committee.

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

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

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

Master Scarth

Jill Leacock, Supreme Court Law Officer (Secretary)

Linda Rainaldi, Supreme Court Law Officer (Secretary)

The Committee saw a change in its membership in 2008. Mr. Justice Bauman, the long-serving Chair of the Committee resigned from the Committee upon his appointment to the Court of Appeal. The Committee is grateful to Mr. Bauman for his leadership of and contribution to the work of the Committee. In Mr. Justice Bauman's place, Madam Justice Gray was appointed Chair.

In 2008, the Committee undertook an extensive review of the proposed amendments to the *Rules of Court*. In addition, the Committee considered the development of model Anton Pillar orders and Mareva injunctions, improvements to the processing of sealing orders and a review of the publication ban issues.

Looking forward to 2009, the Committee will continue to review the proposed amendments to the *Rules of Court* and will continue to participate in the education of the Court through the preparation and distribution of civil law memoranda regarding recent decisions of the B.C. Court of Appeal and the Supreme Court of Canada of significance in the civil law area.

COURTHOUSE FACILITIES COMMITTEE

Members:

Mr. Justice Macaulay (Chair)
Mr. Justice McEwan
Mr. Justice Grist
Mr. Justice Barrow
Mr. Justice Williams
Mr Justice Powers
Frank Kraemer Q.C., Executive Director and Senior Counsel, Judicial Administration
Jill Leacock, Law Officer (Secretary)

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 2006, a sub-committee of the Committee chaired by Barrow J. was struck to identify model processes and facilities for juries and panels, and to measure existing courthouses against this model. In late 2007, the sub-committee delivered its report.

During 2008, the Committee examined various aspects of the report and its recommendations. The Committee also received and considered information about the current standards used by the Province in the construction and renovation of jury facilities in Courthouses. The Committee also considered ways in which it might obtain additional information about concerns with the current jury facilities around the Province.

The Committee will continue to canvass the views of members of the Court to ascertain priorities for annual capital expenditures.

CRIMINAL LAW COMMITTEE

Members:

Madam Justice H. Holmes (Chair)
Madam Justice Bennett (Vice-Chair)
Mr. Justice Shabbits
Madam Justice Koenigsberg
Madam Justice Stromberg-Stein
Madam Justice MacKenzie
Mr. Justice Cullen
Mr. Justice Williams
Mr. Justice Ehrcke
Mr. Justice Silverman
Mr. Justice Smart
Jill Leacock, Law Officer (Secretary)

The Criminal Law Committee has a variety of roles, including keeping members of the Court apprised of new developments in the field of criminal law, evidence, and procedure. In 2008, Madam Justice Bennett updated the Court as to relevant case law from the SCC and BCCA; Madam Justice Holmes kept the Court informed of legislative developments in the criminal law field.

The Committee assisted the Court's Education Committee by facilitating and providing speakers for criminal law programs at the Court's conference (such as one relating to trials involving self represented accused, and another relating to case management of criminal trials), as well as the Court's Law at Lunch program.

In 2008, the Working Group established by this Committee to review the report of the Ontario Superior Court of Justice, *New Approaches to Criminal Trials*, continued its work. The Ontario Report addressed the problems of unduly long or delayed criminal trials in the Superior Court of Justice and Ontario, and recommended new rules for case management to establish procedures and other requirements to govern pre-trial applications. The Working Group (composed of Barrow J. and members of this Committee) was tasked by the Committee with considering whether similar initiatives would be suitable for implementation by this Court. The Working Group gave its interim report to the Committee in 2007, and in 2008 continued to focus on particular issues relating to management of criminal proceedings, including the development of a detailed pre-trial conference form.

In 2008, the Working Group expanded its review to include also the findings and report of Patrick LeSage and Michael Code, commissioned by the Attorney General for Ontario, on long and complex criminal trials.

The Committee also provided the Court with assistance as to various matters that arose during 2008, including by:

- Reviewing the availability and adequacy of witness screens to accommodate testimony of child or other vulnerable witnesses
- Appointing a delegate from its ranks to participate in the Publication Ban Working Group, a committee comprised of representatives of the three court levels, whose mandate is to provide guidelines for both the judiciary and administrative staff in dealing with publication ban issues
- Endorsing the recommendation of Smart J., a member of the committee, that the Court review its practice concerning gowning for certain matters, and not for others
- Providing the Court with information concerning the provisions of the *Sex Offender Information Registration Act (SOIRA)*
- Reviewing recommendations for redesign of certain courtrooms to better accommodate criminal trials with large numbers of counsel
- Reviewing the administrative policy facilitating the presentation of evidence that is authorized to be tendered by electronic means.

Members:

Mr. Justice Davies (Chair)
Madam Justice Beames (Vice-chair)
Mr. Justice Romilly
Madam Justice Bennett
Madam Justice D. Smith
Mr. Justice Cullen
Madam Justice Garson
Madam Justice H. Holmes
Madam Justice Ross
Mr. Justice Slade
Mr. Justice Goepel
Madam Justice Gray
Mr. Justice Groberman
Mr. Justice Kelleher
Mr. Justice Groves
Mr. Justice Smart
Mr. Justice Hinkson
Master Baker
Jill Leacock, Supreme Court Law Officer
Linda Rainaldi, Supreme Court Law Officer

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.

In 2008, two very successful educational conferences were held. The May conference was held in Victoria; the November conference 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 attended these sessions via teleconference.

There were a number of changes to the membership of the Committee in 2008. Madam Justice Bennett and Mr. Justice Goepel resigned from the Committee after many years of dedication to the work of the Committee while Madam Justice D. Smith and Mr. Justice Groberman resigned from the Committee upon their appointments to the Court of Appeal. The Committee is grateful to Madam Justice D. Smith, Mr. Justice Groberman, Madam Justice Bennett and Mr. Justice Goepel for their contributions to the work of the Committee and to the Court's educational programs. The Committee welcomed Mr. Justice Hinkson as a new member.

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.

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
Master Scarth
Linda Rainaldi, Law Officer (Secretary)
Heidi McBride, Law Officer (Secretary)

Throughout 2008, the Committee continued to provide members of the Court with memoranda of topical issues in family law, as well as reports of significant family law cases.

In addition, Committee continued or completed its work with respect to a number of issues including inter-jurisdictional child abduction and the development of a protocol for the Court to implement the Hague Convention in British Columbia, a detailed review of the proposed *Supreme Court Family Law Rules*, consideration of amendments to the *Family Relations Act* and updating information about Judicial Case Conferences for the Court's website.

With respect to inter-jurisdictional child abduction, the Committee developed a protocol for the expediting the handling of inter-jurisdictional parental child abduction cases which includes the creation of a Central Authority to handle applications, the designation of experienced family law judges, and a uniform procedure for dealing with applications has been implemented in British Columbia. The designated judges from our court are Madam Justice Martinson, Mr. Justice Cole, Mr. Justice Davies and Mr. Justice Butler. The protocol was adopted by the Court at its meeting in May. The Committee would like to expressly acknowledge the invaluable assistance of Madam Justice Martinson, the former chair of the Committee, on this project.

LAW CLERK COMMITTEE

Members:

Mr. Justice Curtis (Chair)
Madam Justice Dillon
Mr. Justice Pitfield
Madam Justice L. Smith
Mr. Justice Barrow
Jill Leacock, Supreme Court Law Officer
Heidi McBride, Supreme Court 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 2008, eighteen law clerks began their clerkships. Of these, fourteen are working in Vancouver, two are working in New Westminster and two are working in Victoria. 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 current Supreme Court law clerks are:

Vancouver

Brenda Belak
Christina Beninger
Jennifer Brun
Andrew Crabtree
Julie DesBrisay
Philippa Estall
Julie Facchin
Matthew Jackson
Stephanie Kearns
Jennifer Lau
Geneva McNeill
Mark Myhre
Brandi Stocks
Jamie Wood

New Westminster

Sarah Bishop
Tanveer Siddiqui

Victoria

Layli Antinuk
Jessica Asch

The Committee wishes to extend its gratitude to the judicial law clerks who continue the fine tradition of providing much valued assistance to the judges and masters of the Court. The law clerks gain much from their experience at the Court; however,

the Committee believes that the members of the Court benefit equally from the presence of the law clerks.

PUBLIC AFFAIRS COMMITTEE

Members:

Mr. Justice Groves (Chair)
Mr. Justice Williamson
Mr. Justice Blair
Madam Justice Wedge
Chief Justice Brenner (ex officio)
Jill Leacock, Law Officer (secretary)

In 2008, the Public Affairs Committee continued its work in providing liaison between the court, journalists and members of the media, the Law Courts Education Society and other non-judicial groups.

The process established by the Committee for accreditation of journalists who wish to bring audio recording equipment into courtrooms continues in place. The Publication Ban Notification Project initiated by the Committee in Vancouver registry in 2005 also continues in place and was extended in 2007 to the New Westminster registry, with the hope of “rolling out” the Project to the balance of the Province in coming years.

This past year, as in other years, Committee members met with the working journalists who cover our Court to hear their concerns. We also met, as we do annually, with court clerks to see what concerns they had.

In the coming year, the committee will deal with the challenges of communication technology in the courtroom and what, if any, protocols may be necessary to address the challenges of changing technology.

The Chief Justice, Mr. Justice Groves, the chair of the Committee, and the Court's Law Officers, respond to inquiries, suggestions and requests from the media that come to the Court periodically.

JOINT COURTS TECHNOLOGY COMMITTEE

Members:

Mr. Justice Groberman (Chair to May, 2008)
Mr. Justice Masuhara (Chair after May, 2008)
Madam Justice Levine
Mr. Justice Tysoe
Madam Justice Boyd
Mr. Justice Myers
Mr. Justice Rogers
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
Linda Rainaldi, Law Officer

The Committee saw a change in its membership in 2008. Mr. Justice Groberman resigned from the Committee upon his appointment to the Court of Appeal. Upon his resignation, Mr. Justice Masuhara became the Chair. In addition, the Committee welcomed two new members: Mr. Justice Myers and Mr. Justice Rogers.

The matters which the Committee oversaw included the redesign of the Court's website and various policies regarding the use of technology at the Court. In addition, the Committee considered and provided feedback to Court Services Branch in respect of a number of technology initiatives including the DARS Public Access Policy, mandatory e-filing, electronic evidence presentation systems and wireless internet access in courthouses throughout British Columbia.

Looking forward to 2009, the Committee will oversee the launch of the Court's new website in January 2009. As well, the Committee will be actively involved in overseeing the management of the substantial court computer and operating system replacement program. In addition, the Committee will undertake a review of the policies employed by the Court to assess the acquisition of new software applications and hardware for the members of the Court.

JUDGES LIBRARY COMMITTEE

Members:

Madam Justice Kirkpatrick (Chair)
Madam Justice D. Smith
Madam Justice Satanove
Madam Justice Humphries
Frank Kraemer, Q.C., Executive Director and Senior Counsel, Judicial Administration
Diane Lemieux, Librarian

The past year was busy for the Library, with changes to staffing, modifications to annotations, clean-up projects, processing of judgments, and the ubiquitous financial challenges.

The departure of a library staff member in October gave us opportunity to look at the judgment publishing process. The newly created position of Website Administrator/Desktop Application Specialist was just what was needed to balance the workload. The conversion and posting on the Courts website of Court of Appeal and Supreme Court judgments continues to be done by library staff along with the website administrator.

After the completion of a survey, a decision was made by the Library Committee to continue with the handwritten annotations for at least another year, limiting to five the number of reported citations to any give case. (B.C.L.R.'s, C.C.C.'s, D.L.R.'s, W.W.R.'s & the S.C.R.'s).

Library staff was pleased to be involved in the judgment card clean up project, the process which led up to the release of the new and improved BC Superior Courts website on 29 January 2009. The Director of Information Technology, the Supreme Court judgment clerk, many judicial administrative assistants, and the website administrator all worked very hard on this team project, which was completed in just over three months.

Library staff processed 1859 Supreme Court judgments and 520 Court of Appeal judgments in 2008. Nineteen Yukon Court of appeal judgments were processed.

The Library catalogued 184 new acquisitions (including donated items). We have discontinued just one reporter (Ontario Reports), but, to date, no loose leaf services have been cancelled. By far the greatest proportion (87%) of spending is on the top three legal publishers.

One area in which the Library has been able to streamline operations was in the distribution of case digests. Over 50% of those who received printed versions have chosen to cancel the printed version in favour of the enhanced electronic version. This is but one example of the Library's continuing effort to balance needs with limited resources.

*Madam Justice P.A. Kirkpatrick, Chair,
Judges' Library
February 2009*

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. Marguerite Shaw, Q.C.
Mr. Ken Downing, Legislative Counsel
Ms. Jill Leacock – Supreme Court Law Officer (ex officio) (Secretary)

I. 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, a representative of Court Services, 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 are available on the Court's website at www.courts.gov.bc.ca.

As is described below, the rewriting of the Supreme Court Rules currently underway, has involved a significant departure from the usual, incremental process by which rules amendment takes place. Successive drafts of the proposed new rules have been issued for comment and extensive consultation with the judiciary, the profession, litigants, and members of public, has occurred. The Committee is most appreciative of the thoughtful input that it has received which has allowed the proposed amendments to be considered in the broadest context.

The Chair also 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.

II. Composition of the Committee

The Committee's composition changed in 2008 with the resignation of Peter Voith Q.C. and the appointment to the Committee of three new members: Mr. Justice Hinkson, Meg Shaw Q.C., and Dan Bennett.

III. 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 drafting group was established by the CJRWG with a mandate to create a set of draft civil rules reflecting the recommendations of the Report. The drafting group was established because it was thought that the task of completely rewriting the Supreme Court Rules was too large for the Committee to take on.

The initial Concept Draft prepared by the civil rules drafting group was released for consultation on July 2007. Many submissions on the Concept Draft from the public and the profession were received by the CJRWG prior to the close of the consultation period on November 31, 2007. Certain aspects of the Concept Draft met with considerable opposition from the Trial Lawyers Association and other members of the bar. The Committee considered the submissions and conducted its own review of the Concept Draft, and made recommendations in April 2008 for changes to the Concept

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 to look at reforms to the civil justice process.*

Draft. Further drafts were issued for consultation in May 2008 and September 2008 respectively. The consultation period was also extended to December 31, 2008.

Proposed new rules for family law proceedings in the Supreme Court have also been drafted by a separate family rules drafting group established by the CJRWG. The family rules drafting group has also produced successive drafts for comment. The consultation period in relation to the September 2008 draft of the family rules was also extended to December 31, 2008.

The Committee is most appreciative of the thoughtful input that it has received thus far from the judiciary and the profession in relation to proposed civil and family rules. The lengthy period of consultation and the extensive input received have allowed the proposed amendments to be reviewed and considered in the broadest context.

The Committee will continue its review of the proposals and of the input received throughout 2008. The Committee expects to make its final recommendations to the Attorney General in May 2009.

IV. Amendments passed in 2008

The rule amendments passed in 2008 are described below:

- Rule 37 and 37A of the Supreme Court Rules were repealed and replaced with Rule 37B. A series of judicial decisions had highlighted anomalous and unjust costs outcomes in the application of Rules 37 and 37A. Rule 37B gives the court more flexibility in relation to costs awards when offers to settle have been made.
- Rule 53 was amended to correct an omission from the list of enumerated powers of the court that may be exercised by a master hearing an application—the ability to hear applications without notice, and the ability to vary or set aside orders made without notice.
- Rule 67, the Fax Filing Pilot Project rule, was extended for a further year.
- Rule 68 was amended to extend its application beyond September 2, 2008.

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. Please forward your comments to Mr. Justice Macaulay, Chair, Rules Revision Committee, The Law Courts, 850 Burdett Avenue, Victoria, B.C. V8W 1B4.

JUDICIAL ACCESS POLICY WORKING COMMITTEE

Members:

Jennifer Jordan, Registrar (Chair)
Frank Kraemer Q.C., Executive Director and Senior Counsel, Judicial Administration
Virginia Day, Director, Business Transformation & Change Management, Court Services Branch
Ingrid Munroe, Director Judicial Administration, Provincial Court
Gene Jamieson, Legal Officer, Provincial Court
Kathryn Thomson, Legal Policy Consultant, Court Services Branch

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.

In 2008, work of the Committee continued to focus on issues arising from the Digital Audio Recording System (DARS), access to criminal record information particularly in relation to stays of proceedings and pardoned files, electronic access to restricted files by counsel of record and access to files with publication bans. The Committee also received and considered 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 2009, the Committee, 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. The Committee will also continue to receive and consider applications for access to court records.

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 1999-2008

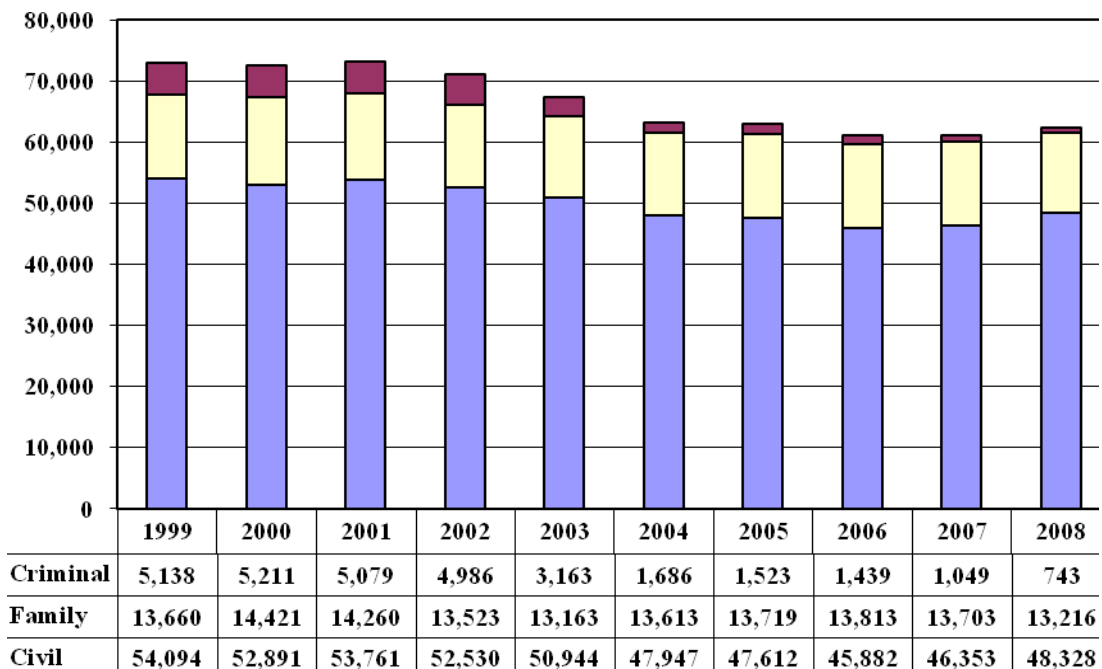


Figure 1

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 from 2002 to 2004.

New Filings by Category in B.C. Supreme Court in 2008

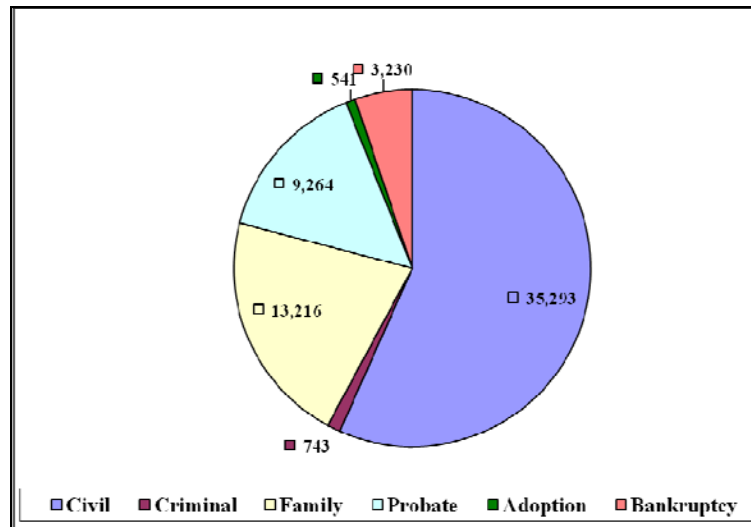


Figure 2

Figure 2 provides greater detail regarding the categories of new filings received by the Supreme Court in 2008. Again, the “Family” category includes *Divorce Act* and *Family Relations Act* proceedings.

Trials and Long Chambers Scheduled in Vancouver from 1999-2008

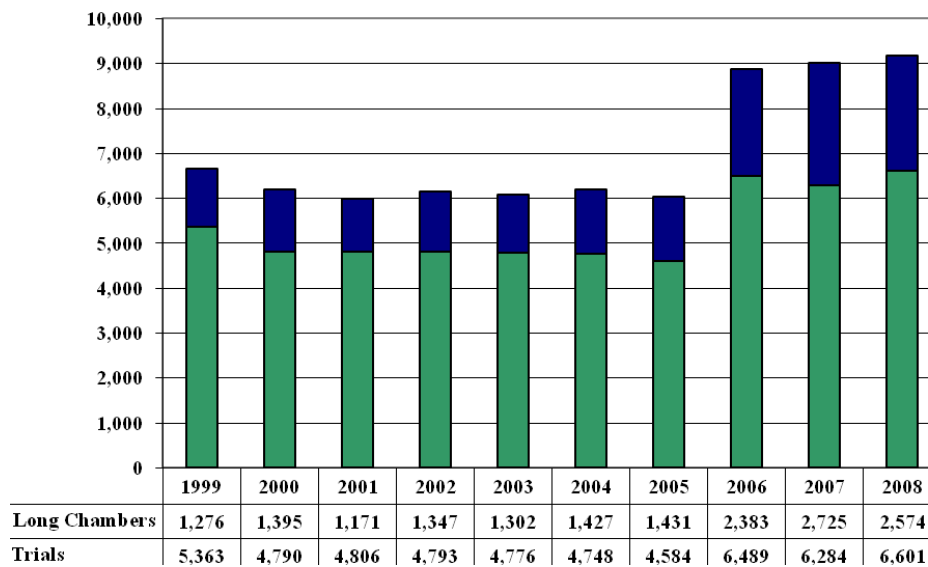


Figure 3

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 1999 to 2008.

Trials Heard and Bumped in BC from 2005 to 2008

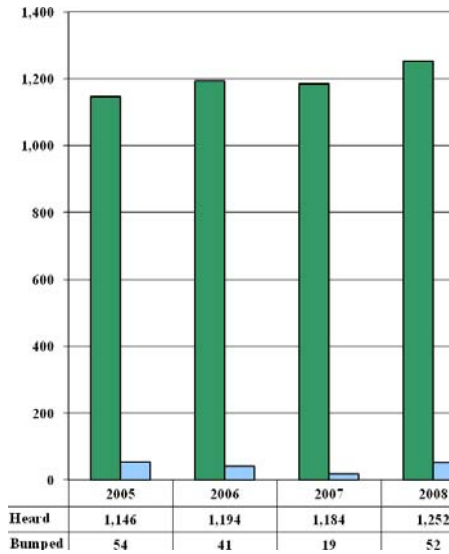


Figure 4 shows the number of civil (including family) and criminal trials heard and bumped in BC from 2005 to 2008.

Figure 4

Trials Heard and Bumped in Vancouver from 1999 to 2008

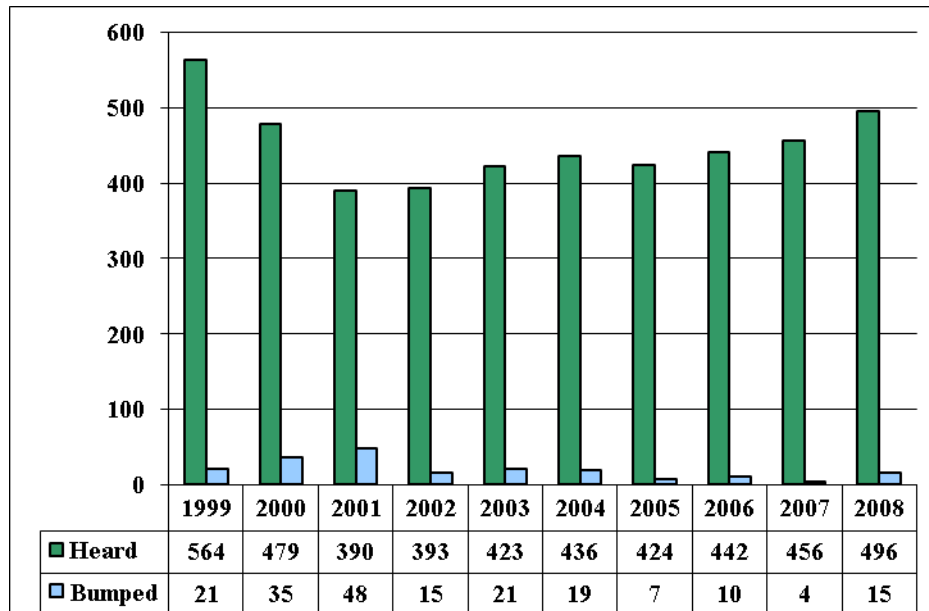


Figure 5

Figure 5 shows the number of civil (including family) and criminal trials heard and bumped in Vancouver from 1999 to 2008.

Long Chambers Application Heard and Bumped in BC from 2005-2008

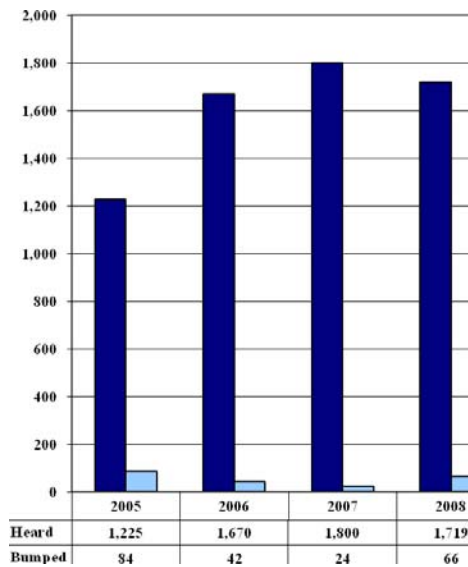


Figure 6 shows the number of civil (including family) long chambers applications heard and bumped in BC from 2005 to 2008.

Figure 6

Long Chambers Application Heard and Bumped in Vancouver from 1999-2008

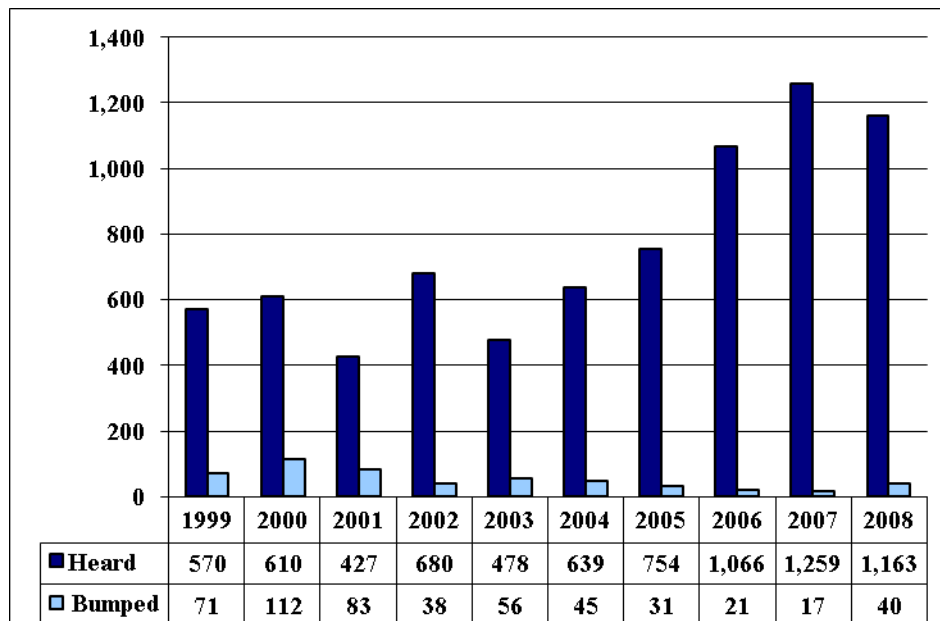


Figure 7

Figure 7 shows the number of civil (including family) long chambers applications heard and bumped in Vancouver from 1999 to 2008.

Trials Heard By Location in 2008

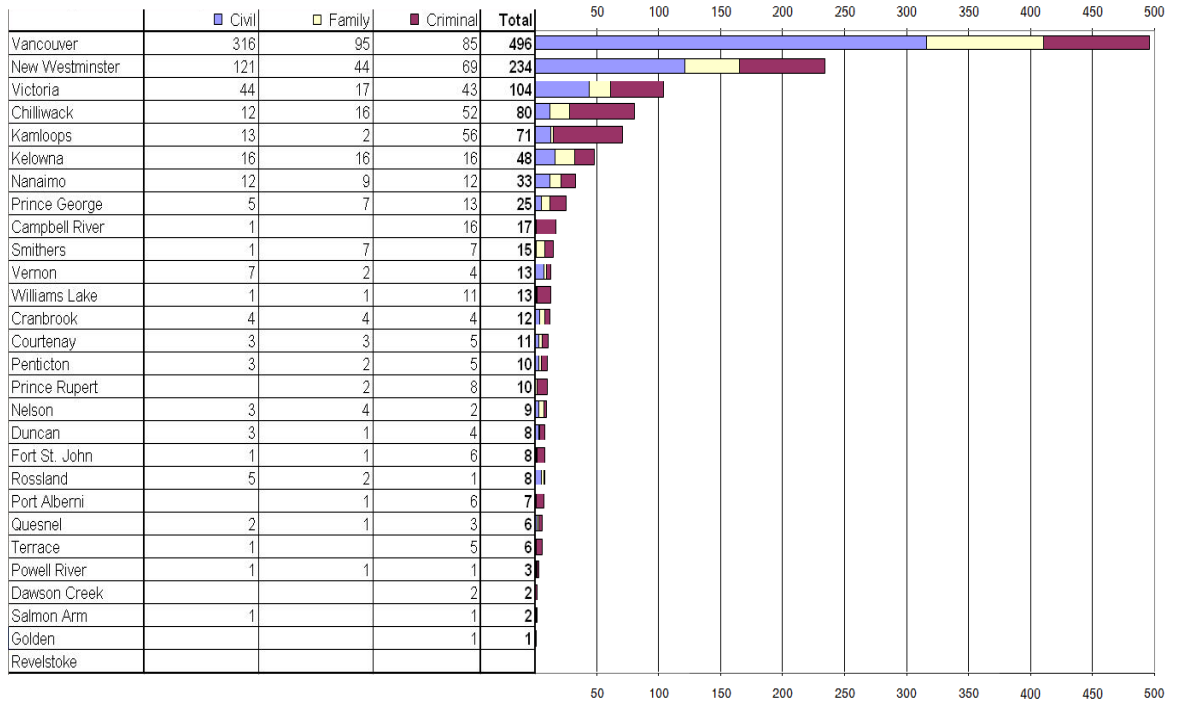


Figure 8

Figure 8 shows the number of civil, family, and criminal trials heard by location (in descending order) in 2008.

Trials Heard By Location in 2008

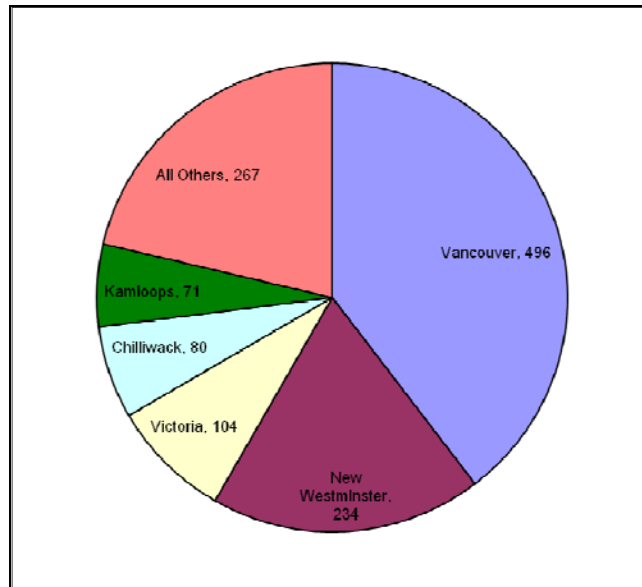


Figure 9

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

Trials Heard and Bumped by Location in 2008

	Heard 2008				Bumped 2008			
	Civil	Family	Criminal	Total	Civil	Family	Criminal	Total
Vancouver	316	95	85	496	13	2		15
New Westminster	121	44	69	234	6	2	1	9
Victoria	44	17	43	104	2	1		3
Chilliwack	12	16	52	80	1	3	1	5
Kamloops	13	2	56	71	2	1		3
Kelowna	16	16	16	48	3	1		4
Nanaimo	12	9	12	33				
Prince George	5	7	13	25	2			2
Campbell River	1		16	17				
Smithers	1	7	7	15				
Vernon	7	2	4	13	3	1		4
Williams Lake	1	1	11	13				
Cranbrook	4	4	4	12				
Courtenay	3	3	5	11				
Penticton	3	2	5	10	1			1
Prince Rupert		2	8	10			1	1
Nelson	3	4	2	9	3	1		4
Duncan	3	1	4	8				
Fort St. John	1	1	6	8				
Rossland	5	2	1	8				
Port Alberni		1	6	7				
Quesnel	2	1	3	6				
Terrace	1		5	6				
Powell River	1	1	1	3				
Dawson Creek			2	2				
Salmon Arm	1		1	2				
Golden			1	1				
Revelstoke						1		1
TOTAL	576	238	438	1252	36	13	3	52

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.