

Members of the B.C. Court of Appeal

Chief Justice

The Honourable Chief Justice Finch

May 5, 1983 (Supreme Court)

May 28, 1993 (Court of Appeal)

June 6, 2001 (Chief Justice of British Columbia)

Justices of the Court of Appeal

The Honourable Mr. Justice Lambert*

July 14, 1978 (Court of Appeal)

June 30, 1995 (Supernumerary)

The Honourable Mr. Justice Esson*

February 20, 1979 (Supreme Court)

May 5, 1983 (Court of Appeal)

June 30, 1989 (Chief Justice of Supreme Court)

October 2, 1996 (Court of Appeal)

February 12, 2001 (Supernumerary)

The Honourable Madam Justice Southin

March 11, 1985 (Supreme Court)

September 8, 1988 (Court of Appeal)

The Honourable Mr. Justice Hollinrake*

June 1, 1988 (Supreme Court)

February 16, 1990 (Court of Appeal)

September 1, 1999 (Supernumerary)

The Honourable Madam Justice Rowles

March 31, 1983 (County Court)

January 1, 1987 (Supreme Court)

October 11, 1991 (Court of Appeal)

The Honourable Madam Justice Prowse
January 1, 1987 (County Court)
September 8, 1988 (Supreme Court)
June 24, 1992 (Court of Appeal)

The Honourable Madam Justice Ryan
May 26, 1987 (County Court)
July 1, 1990 (Supreme Court)
January 28, 1994 (Court of Appeal)

The Honourable Mr. Justice Donald
June 30, 1989 (Supreme Court)
January 28, 1994 (Court of Appeal)

The Honourable Madam Justice Newbury
July 9, 1991 (Supreme Court)
September 26, 1995 (Court of Appeal)

The Honourable Madam Justice Huddart
September 4, 1981 (County Court)
May 26, 1987 (Supreme Court)
March 19, 1996 (Court of Appeal)

The Honourable Mr. Justice Braidwood*
December 5, 1990 (Supreme Court)
December 19, 1996 (Court of Appeal)
December 29, 2000 (Supernumerary)

The Honourable Mr. Justice Hall
July 11, 1991 (Supreme Court)
December 19, 1996 (Court of Appeal)

The Honourable Mr. Justice Mackenzie
May 5, 1992 (Supreme Court)
June 23, 1998 (Court of Appeal)

The Honourable Madam Justice Saunders
December 23, 1991 (Supreme Court)
July 2, 1999 (Court of Appeal)

The Honourable Mr. Justice Low
March 31, 1977 (County Court)
July 1, 1990 (Supreme Court)
July 28, 2000 (Court of Appeal)

The Honourable Madam Justice Levine
September 26, 1995 (Supreme Court)
February 6, 2001 (Court of Appeal)

The Honourable Mr. Justice Smith
May 31, 1993 (Supreme Court)
October 1, 2001 (Court of Appeal)

The Honourable Mr. Justice Thackray*
February 16, 1990 (Supreme Court)
December 19, 2001 (Court of Appeal)
October 28, 2002 (Supernumerary)

* Supernumerary

Staff of the B.C. Court of Appeal

Jennifer Jordan	Registrar
Meg Gaily	Law Officer
Cecilia Low	Administrator and Deputy Registrar
Carol Ensor	Administrator and Deputy Registrar
Patrick Boyer	Assistant Administrator and Deputy Registrar
Alix Going	Executive Assistant to Chief Justice Finch
Julie Warren	Executive Secretary to Chief Justice Finch

Law Clerks 2002–2003

Judicial Admin.

Registry Staff

Jessica Bowering	Torri Enderton	Christopher Bailey
Jennifer Brough	Susan Devenish	Judy Epp
Ian Carter	Jackie Helmersen	Jeanette Rigby
Susanne Elliott	Mary Jurijew	Diane Schwab
Sean George	Meorah Kassem	Moira Syring*
James Gould	Margaret Lewis*	Theresa St. Jacques
Scott Graham	Lorraine Maze	Sue Thompson
Julie Lawrence	Charmaine McBride	Wendy Weitzel**
Janet Lennox	Cherry Mills	Pat White*
Joanna Mullard	Stella Phillip	John Wilk**
Michelle Mullen		Janice Wilson

*Victoria

**Kamloops

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Bill Deans
Don Ellam
Ron Knorr
Alex Sashaw

Webmaster

Torri Enderton

Superior Courts Judiciary Staff

Judicial Administration

Delia Moran	Director, Judicial Administration
Margaret Neuhaus	Manager, Support Services
Bill Prentice	Financial Officer
Tammy McCann	Director's Secretary
Yvonne Samek	Finance and Administration Clerk
Michelle Sam	Judicial Administration Clerk

Judges Library

Anne Rector
Leaellen Gurney
Myrna Hawes*
Diane Lemieux

Information Officer

The Honourable Lloyd G. McKenzie
Information Technology Consultant
Steve Blanchard
Management Consultant
Alix Campbell

REPORT OF THE HONOURABLE CHIEF JUSTICE FINCH

THE COURT'S COMPLEMENT

In 2002 the Court's complement was almost completely stable. The only change occurred on 31 October 2002 when Mr. Justice Thackray elected to serve as a supernumerary judge. He continued to sit full-time until the end of the year. However, at the time of writing this report in February 2003, the vacancy created by his election remains unfilled.

As previously commented, delay in filling vacancies, whether caused by death, retirement or supernumerary election, presents a continuing problem for the Court in scheduling sittings. The rota is set one year in advance, based on the premise that the Court will have a full complement. Delay in filling vacancies requires other judges to sit in place of the missing judge on a volunteer basis. Panels of three judges are generally fixed for one week periods. When judges fill in on a volunteer basis, planning the work of the court in preparation for hearing appeals, and in writing reserve judgments, becomes awkward and unnecessarily complicated. In the past, it has occasionally been necessary to cancel Court sittings when vacancies were not filled in a timely way.

The date on which vacancies caused by supernumerary election or retirement will occur is, of course, known well in advance. We continue to press the appointing authority to make plans for filling vacancies as soon as they occur.

At the end of 2002, the Court had 14 full-time judges, five supernumerary judges, and one vacancy. Of the 14 full-time positions, 8 are occupied by women, and 6 by men. All of the supernumerary judges are men.

THE WORK OF THE COURT Statistics

Civil and criminal law statistics for 2002 and comparable numbers for the years since 1995 are attached to this report as Appendices. A few comments may assist in their interpretation.

Following a pattern which has prevailed for at least the last five years, both new civil and criminal filings have continued to decrease. Civil filings are down by about 10% and criminal filings by about 15%, over the preceding years. The number of appeals disposed of by the Court is also down by about 10%. The number of appeals either concluded in chambers or abandoned has reduced by about 5%. The number of chamber motions heard is virtually unchanged.

There is no empirical evidence to explain the reduction in case volumes. Several theories have been put forward. Case volumes are also declining in the Supreme Court of British Columbia, the Court from which most of our appeals come. It may be that the reduced number of appeals filed is, in part, a reflection of the reduced number of cases decided in the trial court.

The cost of litigation may also be a factor. The economics of pursuing an appeal, given the cost of preparing the necessary materials, and the cost of legal services, may be deterring some litigants from launching appeals. Cut-backs in legal aid funding means that more requests for assistance are rejected in almost all classes of cases – criminal, family and civil. As well, the growth of alternate dispute resolution – arbitration, conciliation or mediation – may be taking some cases out of the judicial system.

On the criminal side, the advent of conditional sentences may be producing more guilty pleas, and hence fewer trial judgments from which appeals might arise. In addition, this Court recently implemented a requirement that brief written statements of the parties' submissions be filed in advance of criminal sentence appeals. It may be that the requirement to articulate clearly the grounds of an appeal against sentence is deterring appeals that have little or no chance of success.

Whatever the causes, the overall reduction in case volumes has not had a significant impact on the workload of the judges. More appeals are being brought, or resisted, by self-represented litigants. These appeals are invariably more time consuming than cases where both sides are represented by counsel.

The issues presented on appeal have also tended to become more complicated and more difficult to resolve. This is reflected in the fact that the number of civil cases taken under consideration for reserve judgment in 2002 actually increased over the comparable number for 2001 by about 8%, and the number of criminal cases

taken on reserve remained also almost constant, despite the reduced volume.

Civil appeals allowed, as a percentage of all cases heard, remained constant at 42%; and criminal appeals allowed were 31% of the total, within a fairly constant range for the last six to seven years.

The percentage of appeals allowed should not be misinterpreted. The total number of dispositions in 2002 was 1,184. This represents a very small percentage, probably well under 10%, of all cases decided in the British Columbia Supreme Court, British Columbia Provincial Court, and administrative tribunals from which appeals may be brought. The vast majority of judgments at first instance are never appealed. The percentage of appeals allowed measured against the judgments at first instance is therefore very, very small, probably less than 5%. So while our statistics show a rate of success on appeal that may appear to be high, it must be remembered that appeals are brought only in a very small number of cases out of the total of all cases decided. In addition, any minor change in a judgment is counted as an "appeal allowed".

Appeals disposed of as a percentage of filings, was 100% for civil appeals and 98% for criminal appeals. These are positive statistics, as a disposition rate of anything around 100% means that the Court did not accumulate a backlog of cases that could cause delay in the future.

Our appeals continue to be disposed of in a timely way. Over 90% of all reserve judgments in civil appeals were decided within six months of the date of which they were reserved. Six months is the guideline set by the Canadian Judicial

Council for disposition of reserve judgments. Almost 90% of reserve judgments in criminal conviction appeals were decided within the same time frame. All reserve judgments in sentence appeals were disposed of in less than three months.

Self-Represented Litigants

In an attempt to address the problem presented by increasing numbers of self-represented litigants, the Court and members of the bar formed a joint committee to develop a pro bono program to assist litigants in the Court of Appeal who cannot afford to pay for legal services, and who do not qualify for legal aid. The result of this effort is described in the report of the Pro Bono Committee, included in the attached reports.

SITTINGS OF THE COURT

In 2001, Division 1 sat for 42 weeks, including two weeks during the summer; Division 2 sat for 34 weeks; and Division 3 sat 7 weeks. In addition, the Court sat for 10 weeks in Victoria, one week in the Interior and one week in the Yukon. The total number of sitting Divisions/weeks was 93. This is a decrease of one week over the 2001 schedule.

Demand for hearing time in Kamloops, Kelowna and Prince George has remained minimal. The scheduled weeks for sitting in those locations were cancelled for lack of work.

STAFF

The Court suffered the loss of long-serving and extremely talented personnel in 2002. Cecilia Low, the Associate Registrar of the Court of Appeal, retired in the spring. The Associate Registrar is responsible, among other things, for setting hearing dates, and reorganizing the rota on a week-to-week, and sometimes day-to-day, basis. Ms. Low was extremely able at everything she did, and performed her challenging duties with apparent tranquility, and endless good cheer.

The Court also lost the services of Christopher Bailey, the counter clerk, who was hired away by a private law firm. The counter clerk acts as an information officer, is responsible for reviewing all documents filed with the Court, and is very involved in assisting self-represented litigants, and others, who have questions about Court of Appeal procedures. Mr. Bailey's services were much valued, and the Court wishes him well in his new career.

These departures serve to underline the invaluable assistance the Court receives from all employees of Judicial Administration, and Court Services, who provide us with support. We are most grateful to all of them, with a special thanks to our Registrar Jennifer Jordan, and the Court's Law Officer, Meg Gaily.

A FINAL WORD

I end these comments by expressing my thanks to all members of the Court for their support and assistance in every area of the Court's work during the past year and in continuing to pursue the highest standards of appellate decision-making.

RULES COMMITTEE

Members

The Honourable Mr. Justice Hall (Chair)
The Honourable Madam Justice Rowles
The Honourable Madam Justice Huddart
The Honourable Mr. Justice Smith
Jennifer Jordan, Registrar
Meg Gaily, Law Officer

Meetings

The Court of Appeal Rules Committee meets regularly throughout the year to discuss proposals by the judges of the Court, the Registrar and lawyers for amendments to the Court of Appeal Act and Rules. The Committee reports to the full Court on recommendations for amendments. We consult with members of the bar when there is a proposal that significantly changes the practice and procedure of the Court.

Court of Appeal Rules

The new *Court of Appeal Civil Rules* came into force on 1 March 2002. Amendments to the new Rules were approved and came into force on 28 March 2002. Further amendments will be issued in 2003. There was a six month grace period to allow the profession time to become familiar with the new Rules. The new Rules are available on the Court's website, www.courts.gov.bc.ca and at the counter of the Court of Appeal Registry. As well, Court of Appeal Registry staff, primarily Christopher Bailey, the Court's Information Officer, conducted seminars through the Dye & Durham agency on the new Rules. Mr. Bailey, Jennifer Jordan and Meg Gaily also conducted a course on

the new Rules through CLE on 5 April 2002.

The package of revised *Civil Practice Directives*, conforming to the provisions of the new Rules, was released on 7 March 2002, replacing the existing Practice Directives effective 2 March 1998. Copies of the revised Practice Directives are available on the Court's website and at the counter of the Court of Appeal Registry.

Some members of the Yukon Territory Court, together with the Yukon Registrar and three practitioners, have formed the Yukon Territory Rules Committee. The Yukon Territory Rules Committee will review the current Yukon Rules and compare them with the new British Columbia Court of Appeal Rules to determine if revisions to the Yukon Rules are recommended. The British Columbia Court of Appeal Rules Committee will be part of a consultation process at a later date.

The Committee members are in the process of preparing practice directions under the Criminal Appeal Rules to clarify the procedure on appeals from summary conviction appeals and habeas corpus applications.

PLANNING COMMITTEE

Members:

The Honourable Chief Justice (*ex officio*)
The Honourable Madam Justice Prowse, Chair
The Honourable Mr. Justice Donald
The Honourable Mr. Justice Mackenzie
The Honourable Mr. Justice Low
Then Honourable Madam Justice Levine
Ms. Jennifer Jordan, Registrar

Mr. Justice Esson and Madam Justice Newbury retired from this committee and were replaced by Mr. Justice Low and Madam Justice Levine. The Chair thanks the retiring members for their years of service and welcomes the new members.

The major concern of the Committee during the year was the issues of privacy for litigants, especially in family and criminal appeals

Family Law

The Committee considered the arguments for and against restricting publication of family judgments on the Court's website. The committee also considered the decision of the Supreme Court to limit the number of family law judgments on the Courts' website and to use initials in judgments which were published on the website.

The Court of Appeal accepted the Committee's recommendation that the Court continue to publish all family law

judgments on the website. However, initials will be used for the names of the parties and the judges will attempt to remove other non-essential identifying information from the judgment.

A Notice to the Profession setting out the Court of Appeal's position on publication of family law judgments will be issued in early 2003.

Restriction on Access to Criminal Files

The Court of Appeal currently has a Practice Directive which requires permission for persons to access criminal files. The Committee discussed the question of open access to criminal files and articulated concerns about the test to apply in granting an application for access to the Court file. The Committee agreed to recommend to the Rules Committee that the wording in the Practice Directive be changed as follows:

The governing legal principle is that there is a presumption in favour of public access but that

access must be supervised by the Court to ensure that no abuse or harm occurs to any person.

Appointment of Counsel s. 684 Criminal Code

The Committee is currently looking into the procedures used and material reviewed when considering an application to appoint counsel under s. 684 of the Criminal Code. The Committee will undertake a review of the procedures in other jurisdictions.

Videoconference Applications

The Committee is looking at the practice in other jurisdictions concerning applications and appeals conducted by videoconference with a view to determining if specific guidelines for such matters should be prepared for the Court of Appeal.

Hearing Time Reduction

The Committee continues to monitor time estimates for appeals. Most appeals are now set for one-half day and very few appeals exceed the time limits. This project continues to be successful in increasing the efficiency of the judges. The bar has been very cooperative in these efforts.

Family Law Manual

The Committee is undertaking the preparation of a Manual of Family Law Decisions for the guidance of the Court. The manual will contain the most important cases listed by topic. The organization of this manual will be similar

to the Chambers Manual which was completed a few years ago.

Monitoring Family Law Appeals

The Committee continues to monitor family law appeals involving custody of and access to children, with a view to expediting these appeals whenever possible.

Archiving Judges' Bench Books

The Court considered and approved a policy for access to judges' bench books through the provincial Archives. Bench books are considered the personal property of each judge and a judge decides whether to gift his or her bench books to the Archives. The records schedule provides that individual judges keep their books while in use and for 10 years after. They are then encouraged to donate the books to the Archives.

The Archives staff have a set of guidelines for selective retention of the books. Some of the criteria which they apply include historical significance of the cases in the bench book and the judge and legibility of the judges' handwriting.

The Committee approved a policy regarding public access to these records, subject to individual judges making their own arrangements:

- Older bench books (more than 100 years old, or those whose most recent entries pre-date the first statutory restriction on public access - the *Juvenile Delinquents Act* of 1910) would be routinely

- available to the public upon request.
- Access to "newer" bench books would only be provided for historical or statistical research purposes, under the terms of a research agreement.

Combined Conviction and Sentence Appeals

Appeals of conviction and related sentence appeals take longer than other criminal appeals to proceed through the Court of Appeal. The Committee discussed options of how to expedite the hearing of a sentence appeal once the conviction appeal had been disposed of.

The Committee decided that once a conviction appeal is concluded, the registry will treat the matter as they do all other sentence appeals. The registry will take charge of ordering necessary transcripts and will contact counsel in order to expedite the hearing of the appeal.

Adjournment Requests

The Committee was asked to look at the problem of late requests for adjournments of an appeal set for hearing. The Committee decided that all adjournment requests with respect to the hearing of an

appeal which is less than three weeks away must be made in writing to the Chief Justice. The Chief Justice will decide whether the adjournment request is adequate to cancel the hearing; if not, counsel will have to appear in chambers to request the adjournment.

Television in the Courtroom

The Canadian Judicial Council has exempted appellate courts from their position stated in 1983 that "Television in the courts is not in the best interests of the administration of justice." The Committee discussed whether or not it was necessary to have a policy on requests for television coverage in the Court of Appeal. This matter will be the subject of further discussion by the Court as a whole.

Court Meetings

Members of the Planning Committee were responsible for the planning for the Court Meetings held in April and October, 2002.

The members of the Committee would like to recognize the invaluable assistance provided to the Committee by Ms. Jennifer Jordan, with significant input also provided by Ms. Meg Gaily, Ms. Cecilia Low and Ms. Carol Ensor.

LAW CLERK COMMITTEE

Members:

The Honourable Madam Newbury (Chair)
The Honourable Mr. Justice Mackenzie
The Honourable Madam Justice Saunders

The law clerks' terms at the Court of Appeal commence in September of each year and finish at the end of June (for those serving a 10-month term) or the end of August (for those serving a 12-month term). In September 2002, 11 clerks began their clerkships with the Court of Appeal for the 2002-2003 term.

In 2002, the law clerk committees for both the Court of Appeal and Supreme Court determined that the deadline for applications and the interviews should take place earlier in the calendar year to ensure that the British Columbia clerking program recruited its law clerks at the same time as other courts across Canada. The earlier deadline ensures that the British Columbia Courts attract qualified applicants who might otherwise accept clerkships from other courts who make their offers before the British Columbia recruitment process has concluded. As of 2002, the deadline for applications for law clerks was moved to mid-January and interviews with the Law Officers and the Law Clerk Committees take place in February and March.

In February 2002, Meg Gaily, Law Officer to the Court of Appeal, and Judith Hoffman, Law Officer to the Supreme Court, received approximately 75 applications for the 28 law clerk positions at the Court of Appeal and Supreme Court. After reviewing the applications, the Law Officers interviewed most of these candidates during February 2002. Of these candidates, the Court of Appeal Law Clerk Committee interviewed 20 and selected 11 candidates for the law clerk positions for the 2003-2004 term.

Of the 11 law clerks who will commence their terms with the Court of Appeal in September 2003, six are graduates of UBC Law School, three are graduates of Dalhousie, one from the University of Toronto, and one from University of Ottawa.

The Committee members wish to thank Ms. Gaily and Ms. Hoffman for their assistance during the year.

LIBRARY COMMITTEE

Members:

The Honourable Madam Justice Newbury (Chair)
The Honourable Mr. Justice Hood
The Honourable Madam Justice Humphries
The Honourable Madam Justice D. Smith
Ms. Delia Moran
Mrs. Anne Rector

Meetings of the Library Committee were held in 2002 as required to consider new acquisitions. The library is operating on a budget which has remained the same in terms of absolute dollars, for the last few years. We continue to maintain an up-to-date collection of textbooks and similar resource materials, while trying to "hold the line" on duplicative case reports and subscriptions.

We also supply important services to judges in the area of computer research, including e-mail list serve network and Quicklaw.

In terms of the physical plant, the library has benefited from the efforts of Associate Chief Justice Dohm to enhance our library by making available some beautiful furniture from the old courthouse. As well, an informal "subcommittee" has been at work on our "Archives Project", which has operated with funds kindly supplied by the B.C. Legal Historical Society. The Archives Committee, which

consists of Madam Justice Newbury, Madam Justice Saunders and Madam Justice Huddart, engaged a student from the School of Library, Archival and Information Science at U.B.C., Ms. Caroline Casenas, to create a database and to catalogue all the photographs and other items displayed on the walls in the Vancouver courthouse. These photographs can now be searched by library staff according to the judge, date or occasion; all have been properly labelled; and many were reframed and rehung thanks to the efforts of Mrs. Betty Craig who volunteered her time this summer. We are most grateful to Ms. Casenas and Mrs. Craig for their invaluable assistance. It is hoped that in the coming year, photographs and other historical materials in other courthouses throughout the province can be added to our data base.

In the coming year, we will unfortunately be losing our head librarian Anne Rector. We wish Anne a long and happy retirement.

TECHNOLOGY CENTRE

Members:

The Honourable Mr. Justice Mackenzie
The Honourable Mr. Justice Tysoe (Chair)
The Honourable Mr. Justice Pitfield
The Honourable Madam Justice Boyd
Delia Moran, Director, Judicial Administration
Jennifer Jordan, Registrar, B.C. Court of Appeal
Steve Blanchard, IT Consultant

The mandate of the Technology Committee is to deal with the technology requirements of judges, including software and hardware, and security concerns arising from use of the judicial network, including the e-mail system. The Committee meets generally once a month. The following topics were discussed at the meetings over the past year.

Development of a Court Intranet

A working committee consisting of Master Shelagh Scarth, District Registrar Murray Block, Law Officers Meg Gaily and Judith Hoffman, Registrar Jennifer Jordan and Technical Consultant Sean Kershaw designed and populated a local Intranet for the Court of Appeal and Supreme Court judiciary. Demonstrations of the Intranet were given to both courts. It is anticipated that the Intranet will contribute to improving the dissemination of information to the Superior Court justices.

Trial Scheduling Software

Members of the Committee have had various demonstrations of Court systems. Contractors in the Supreme Court are currently preparing a business case for a scheduling system to replace a legacy program.

Case Tracking and E-Filing

The Court of Appeal is looking to replace its legacy case tracking system. Work is currently being done in preparing an analysis of the functionality of the system with a view to migrating it to a modern platform. E-filing of court documents will be pursued in 2003.

Computer Roll Out

This year the judiciary replaced its leased computers with purchased machines. The roll out was completed in August 2002.

Judges Technology Advisory Committee (JTAC)

Both Chief Justice Brenner and Jennifer Jordan, Court of Appeal Registrar, are members of the Judges Technical Advisory Committee of the Canadian Judicial Council. In addition, Ms. Jordan is also a member of JTAC's Security Subcommittee. The BC Technology Committee has reviewed in the last year and approved the new Standards for the Preparation of Judgments. New judgment templates are currently being prepared for the staff. As well, the Committee reviewed the Monitoring Guidelines, which were approved and posted on the Courts' Intranet. Recommendations from the Security Subcommittee were reviewed and the Committee is awaiting the guidelines for the Security of Judicial Information before proceeding to establish local policies.

Appointment to Committees

The Chair of the Technology Committee, Mr. Justice Tysoe, will be the new B.C. representative on the JAIN steering Committee. The JAIN Steering Committee deals with issues concerning the national computer system for judges.

Oral Judgments on the Internet

The Committee has again discussed the issue of finding a way to include Supreme Court oral reasons for judgment on the Courts' website. The Committee has asked that the Chief Justice remind judges that they should consider circulating any orals which they consider to be of interest to the profession.

VPN

The Information Technology group provides judges with a secure remote connection to the Courts' network via high speed internet connection. The connection is currently only available to those running Office XP.

Redesign of Courts' Website

This project is currently on hold due to lack of funding.

Electronic Benchbook

With the development of the Court Intranet site, the Electronic Benchbook Committee will be preparing material of interest to the Supreme Court bench.

Search for IT Manager

The Courts are currently searching for an IT manager to assist in the running of the improved judicial network. There is a Management Consultant, Steve Blanchard, who has been assisting with the maintenance of the IT services as well as managing the contract with Microserve, who has been providing technical services to the judiciary for over a year.

Secure Web Access through Outlook

The IT group has implemented secure access to internal e-mail from a remote site. The access is offered through an internet site using Microsoft Outlook.

Website Blocking

Concern over the privacy of information which competes with the right for the public to access court decisions has

resulted in the implementation of a website blocking mechanism. This blocking prohibits the general indexing of the Court website on some of the larger search engines, such as Google. The result is that the website itself can be found on a search, but individual names and pages in judgments are not indexed.

Training Room

The Committee is pleased with the new training room installed on the IT level of the courthouse. There are six individual work stations and the provision of a projector for training purposes. Judges and staff are both the beneficiaries of this new facility.

Other Issues

- Development of a strategic plan for the delivery of information technology to the judiciary.
- Revision of the judgment standards.
- Computer training for judges.
- Technological aspects of the construction and renovation of courtrooms.
- Internal network and security concerns.
- Consideration of management information issues.
- Discussion of Summation software for real-time reporting and document management.

EDUCATION COMMITTEE

Members:

The Honourable Madam Justice Huddart
Then Honourable Madam Justice Levine

The Chief Justice established this new committee of two in September 2001. In its first full year, we have confined our role to providing opportunities for collegial learning within the court.

This committee has taken responsibility for the educational component of each court meeting. In March 2002, Professor Rollie Thompson (Dalhousie) discussed family law issues, including the child support guidelines and spousal support. In November, Professor Janis Sarra (U.B.C.) spoke of some of the legal implications of the Enron bankruptcy and others like them.

The committee also established a Law at Lunch program. In this program, we invite guests for lunch to help us to understand some aspect of the consequences of our work to others, including our colleagues, lawyers, litigants and the general public. On occasion,

members of the court attend a similar program established by the Supreme Court. We anticipate inviting members of that court to our lunches when appropriate.

Future plans include a joint educational conference with the British Columbia Supreme Court in March 2003.

In addition to the opportunities to learn these programs, the National Judicial Institute, the Canadian Institute for the Administration of Justice, the Federation of Law Societies, the Canadian Bar Association, university law schools, and other, provide opportunities for members of our court to choose from a wide array of programs designed to keep us current in our understanding of substantive and procedural legal developments. The Canadian Judicial Council has set a goal of 10 days educational programming for each federally appointed judge in Canada.

PRO BONO COMMITTEE

Members:

The Honourable Chief Justice Finch
The Honourable Mr. Justice Donald
Then Honourable Madam Justice Levine

The court undertook in 2002 what became known as the Pro Bono Project to address the growing problem of litigant appearing without counsel. A committee was struck by the Chief Justice to explore pro bono as a solution.

The committee convened a series of meetings with the Canadian Bar Association – B.C. Branch representatives, some leading members of the bar who frequently appear in this court, and John Pavey of the Salvation Army. Those meetings led to the development of a plan for the provision of pro bono services on appeals.

In an explanatory memorandum to the members of the court in September 2002, the Chief Justice described the plan in this way:

The project is the joint undertaking of the Canadian Bar Association and the Salvation Army. Members of the court are no longer directly involved in the program's operation.

The plan will work this way. Unrepresented litigants will be referred to Mr. John Pavey of the Salvation Army. The referral may be made by members of the Court of Appeal registry staff, a judge in chambers, or any other person who may become aware of the litigant's need for legal advice or representation.

Mr. Pavey will do an initial screen to identify the type of problem the litigant has and to see whether there is a real need for free legal assistance. Mr. Pavey will then refer the litigant to an appropriate volunteer lawyer.

The volunteer lawyers will be recruited in three groups: criminal law lawyers by Mr. Peck; family law lawyers by Ms. Lang; and general civil litigation lawyers by Mr.

Cowper. Mr. Pavey will obtain the name of an appropriate lawyer from a list maintained by each of those three.

Referral to a pro bono lawyer may result in advice, representation, or both. He or she is under no obligation to act on the litigant's behalf if the litigant's position is without merit, nor is the lawyer obliged to fund disbursements.

The project was officially launched in October 2002. Mr. Justice Donald acts as the court's liaison with the project and Meg Gaily, Law Officer of the court, monitors the effectiveness of the project.

SUPREME COURT OF CANADA

There were 61 applications for leave to appeal from decisions of our Court filed with the Supreme Court of Canada in 2002.

The Supreme Court of Canada considered 48 applications for leave to appeal from B.C. decisions. Of these 32 were refused and 16 were granted. A further 3 matters were remanded back to the Court of Appeal and 1 application was discontinued. There were 9 applications for leave to appeal pending at the end of 2002.

In 2002, the Supreme Court of Canada heard 13 appeals from British Columbia and gave judgment in 14 appeals. Of these appeals, 9 were allowed and 5 were dismissed.

STATISTICS

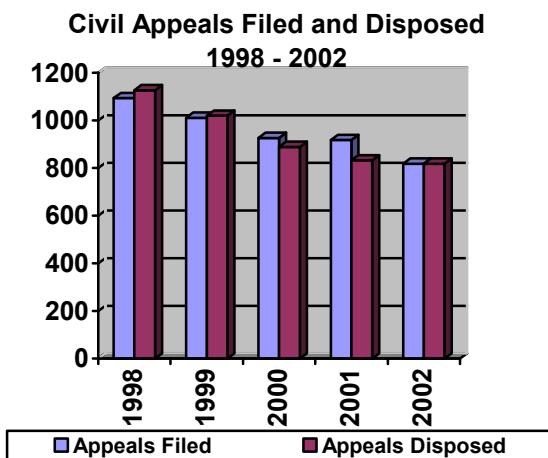
Volume of Litigation*

The charts on this page show the volume of litigation and compare the number of appeals filed, both civil and criminal, and the number of appeals disposed for the years 1998-2002.

Civil

Figure 1 demonstrates the decline in the number of civil appeals filed and disposed over the last five years. This figure also shows that 2002 was successful in having the number of dispositions equal the number of filings. As Appendix 1 indicates, dispositions were 100% of the filings for civil appeals.

Figure 1

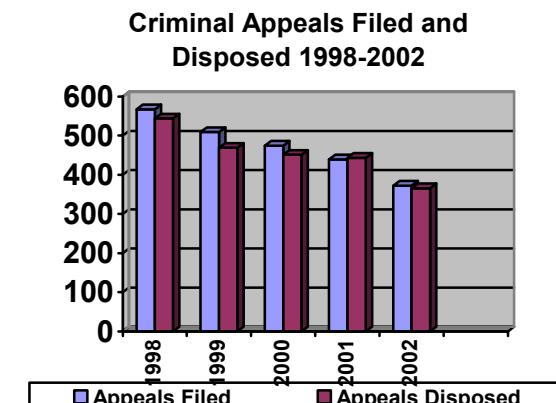


Criminal

Criminal filings equal less than half the number of civil filings. Figure 2 shows that the number of criminal appeals filed continues to exceed the number of appeals disposed, resulting in a slowly increasing backlog of criminal appeals. For 2002

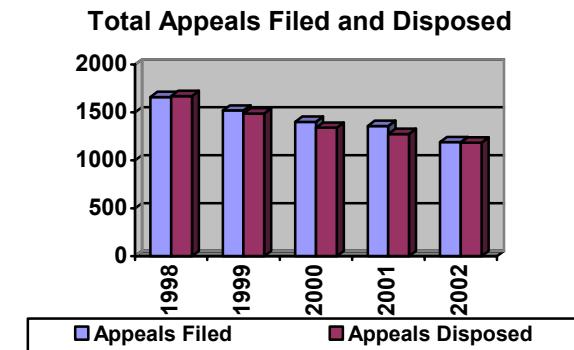
dispositions were 98% of filings (see Appendix 2).

Figure 2



For a more complete picture of total court activity, Figure 3 combines the civil and criminal filings and dispositions. As is evident, there has been a marked decrease, since 1998, of both filings and dispositions in the Court of Appeal.

Figure 3

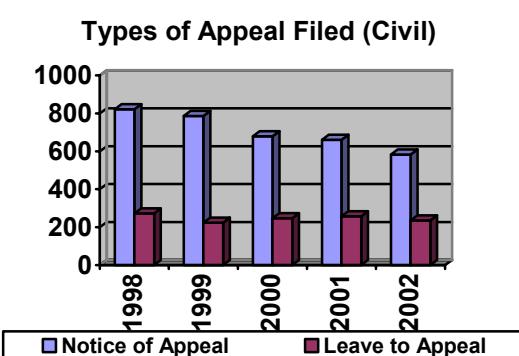


*Please refer to the appendices for the actual numbers in these charts.

Types of Appeals Filed

About 29% of the civil appeals filed in 2002 were applications for leave to appeal. These appeals require the permission of a justice before they can be heard by a panel of three judges. In 2002, about 71% of the applications for leave to appeal were granted. Figure 4 shows the comparison of applications for leave to appeal with appeals as of right.

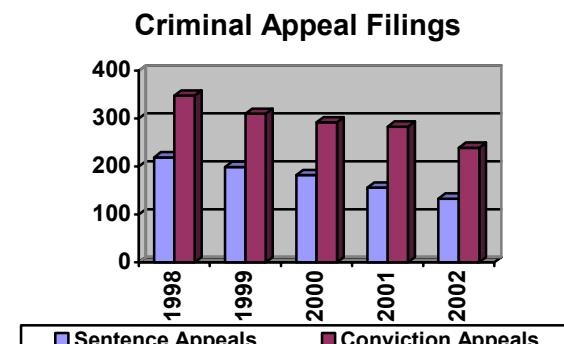
Figure 4



Criminal Case Types

In criminal appeals, appeals from convictions and acquittals take up most of the hearing time of the court, while sentence appeals and summary conviction appeals require less time. Figure 5 gives a comparison of criminal appeals filed between 1998 and 2002. There are consistently 30% more conviction type appeals filed than sentence appeals.

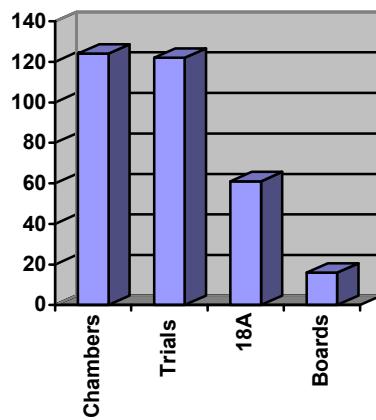
Figure 5



Origin of Appeals

Another way to categorize the civil work of the court is to look at the type of proceeding which gave rise to the appeal. The majority of appeals arise from chambers matters and summary trials. The 2002 figures show there were almost the same number of appeals from trial judgments as there were appeals from Chambers judgments. Figure 6 shows the types of appeals according to the initiating proceeding.

Figure 6

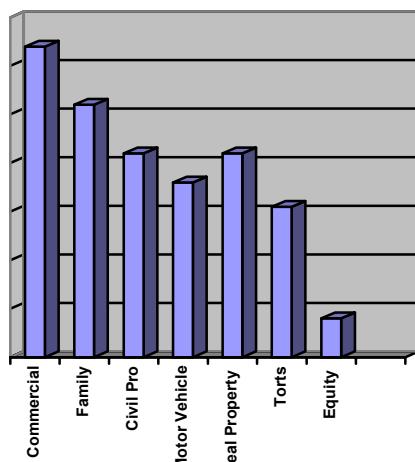


Civil Case Categories

In addition to the origin of civil appeals, there are nine broad categories of civil appeals. Figure 7 gives a flavour of the variety of cases which are heard by the Court of Appeal.

Figure 7

**Civil Categories Appeals Heard
2002**

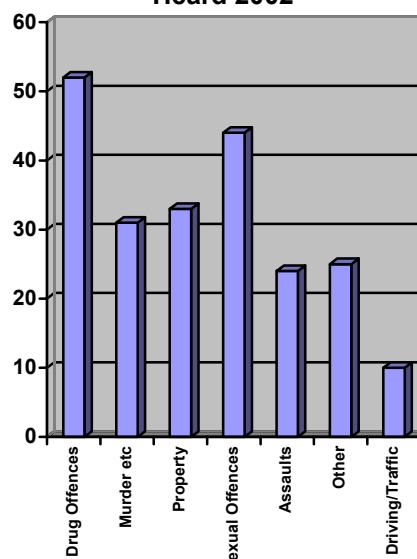


Criminal Case Categories

Another interesting breakdown is for the types of criminal cases which are dealt with by the Court. Drug offences and Sexual offences form the largest categories, amounting to almost 44% of the cases before the Court. “Other” covers offences which are infrequent in the Court (such as arson, kidnapping, mischief and fraud). Figure 8 gives the top seven distinct categories.

Figure 8

**Criminal Categories Appeals
Heard 2002**



Appeals Allowed

The rate of civil and criminal appeals allowed over the past five years has remained relatively constant. Figure 9 shows the success rate of civil appeals and Figure 10 shows the same rate for criminal appeals. The tables are shown as percentages rather than numbers so that there can be a comparison between the civil and criminal decisions.

Figure 9

**% Civil Appeals
Allowed/Dismissed 1998-2002**

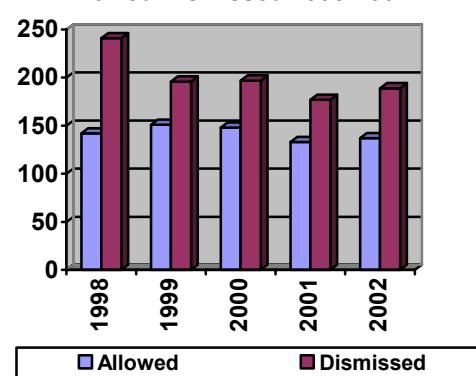
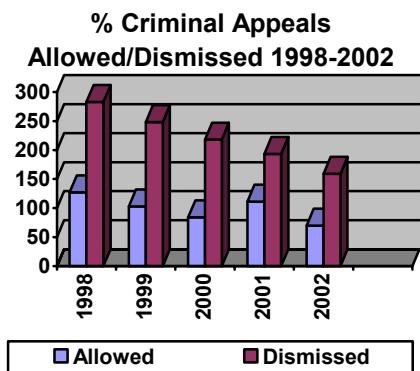


Figure 10



Appendix 1 – Civil Appeals

British Columbia Court of Appeal
Civil Statistics 1995-2002

	1995	1996	1997	1998	1999	2000	2001	2002
APPEALS FILED:								
Notice of Appeal	929	902	854	822	787	679	660	582
Leave to Appeal	355	272	273	272	224	248	258	236
TOTAL FILED	1284	1174	1127	1094	1011	927	918	818
COURT DISPOSITIONS:								
Appeals Allowed	146	174	159	142	151	148	133	137
Appeals Allowed %	38%	39%	39%	37%	43%	42%	43%	42%
Appeals Dismissed	237	271	250	241	196	197	177	189
Appeals Dismissed %	62%	61%	61%	63%	57%	58%	57%	58%
TOTAL COURT DISPOSITIONS	383	445	409	383	347	345	310	326
Appeals Concluded in Chambers or Abandoned	559	1055	988	744	673	544	522	492
TOTAL DISPOSITIONS	942	1500	1397	1127	1020	889	832	818
Dispositions as % of Filings	73%	128%	124%	103%	101%	96%	91%	100%
Judgments Reserved	179	210	188	182	174	197	178	193
Appeals with 5 Judges	10	27	3	5	3	12	16	10
Court Motions: Reviews	11	8	10	13	16	10	7	17
Granted	9	4	5	6	0	3	6	2
Refused	2	4	5	7	16	7	1	15
Chambers Motions	745	736	643	664	568	530	419	427
LEAVE TO APPEAL								
Granted	86	95	74	65	18	80	75	65
Refused	51	76	71	48	39	37	35	26
Total	137	171	145	113	57	117	110	91

Appendix 2 – Criminal Appeals

British Columbia Court of Appeal
Criminal Statistics 1995-2002

	1995	1996	1997	1998	1999	2000	2001	2002
APPEALS FILED:								
Sentence	237	207	249	219	199	182	156	133
Conviction	232	220	232	231	203	174	177	128
Summary Conviction	44	29	48	54	39	40	37	47
Acquittal & Other	77	69	50	63	68	78	69	64
TOTAL FILED	590	525	579	567	509	474	439	372
COURT DISPOSITIONS:								
Appeals Allowed	127	92	115	127	103	84	111	70
Appeals Allowed %	33%	26%	31%	31%	29%	28%	37%	31%
Appeals Dismissed	254	266	253	283	248	218	193	159
Appeals Dismissed %	67%	74%	69%	69%	71%	72%	63%	69%
TOTAL	381	358	368	410	351	302	304	229
Summary Dismissals in Court/Chambers	317	176	193	134	118	149	139	137
TOTAL DISPOSITIONS	698	534	561	544	469	451	443	366
Appeals Disposed % of Filings	118%	102%	97%	96%	92%	95%	101%	98%
Appeals Heard by 5 Judges	2	2	3	3	4	5	5	0
Judgments Reserved	101	92	116	117	78	89	89	86
Chambers Motions	329	302	332	316	305	218	260	230

Appendix 3 – Total Appeals

British Columbia Court of Appeal
Total Appeals Filed and Disposed 1995-2002

	1995	1996	1997	1998	1999	2000	2001	2002
APPEALS FILED:	1874	1699	1706	1661	1520	1401	1357	1190
COURT DISPOSITIONS:	764	803	777	793	698	647	614	555
Appeals Allowed	273	266	274	269	254	232	244	207
Appeals Allowed %	36%	33%	35%	34%	36%	36%	40%	
Appeals Dismissed	491	537	503	524	444	415	370	348
Appeals Dismissed %	64%	67%	65%	66%	64%	64%	60%	
TOTAL	764	803	777	793	698	647	614	555
Appeals Concluded in Chambers or Abandoned	876	1231	1181	878	791	693	661	629
TOTAL DISPOSITIONS	1640	2034	1958	1671	1489	1340	1275	1184
Dispositions as % of Filings	88%	120%	115%	101%	98%	96%	94%	99%
Judgments Reserved	280	302	304	299	252	286	267	279
Appeals with 5 Judges	12	29	6	8	7	17	21	10
Chambers Motions	1074	1038	975	980	873	748	679	657