

ANNUAL REPORT



Court of Appeal for British Columbia
2023

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**“
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MESSAGE FROM CHIEF JUSTICE MARCHAND

The past year was one of significant change for the Court of Appeal. After more than 14 years of outstanding public service as a Chief Justice (and more than 10 as Chief Justice of the Court of Appeal), the Honourable Robert J. Bauman retired on October 1, 2023. On December 7, I was appointed to fill his very large shoes.

With only a couple of short weeks on the job in 2023, I thought I would take this opportunity to introduce myself and the priorities I will bring to the office of Chief Justice.

Before becoming a judge, I practiced law in my hometown of Kamloops, near my Syilx community and the Okanagan Indian Band reserve lands where my father grew up. As a lawyer, I was fortunate to serve people from across British Columbia and the Yukon. Many of my clients were Indigenous, including residential school survivors, and I became acutely aware of the structural disadvantages they faced in the justice system.

In 2013, at a time of transition in my career, I was appointed to the Provincial Court in Kamloops, and then in 2017, to the Supreme Court, also in Kamloops. In 2021, I transitioned to the Court of Appeal. In serving on all of British Columbia’s courts, I have witnessed the tremendous dedication of my judicial colleagues, and the court staff and administrators who support our work. I have also been reminded of the need for the justice system to continually strive to improve.

One of my top priorities as Chief Justice will be to ensure that we have a justice system for all. I will take a number of steps to advance that goal.

For example, I have committed to continue former Chief Justice Bauman’s leadership with Access to Justice BC (A2JBC). I recently posted my first messages to the “Chief’s blog” and invite you to follow along as I join A2JBC in supporting cross-justice system communication, collaboration and shared leadership in order to improve justice services for everyone.

I will also continue to support the work of the Court’s reconciliation working group, established by former Chief Justice Bauman and chaired by Justice Lauri Ann Fenlon. This group recognizes the ongoing nature of the justice system’s journey toward reconciliation and provides leadership in considering the role of the Court in furthering that work.



Humility is a necessary ingredient in upholding the obligations of every judge to act with integrity and respect, with diligence and competence, to pursue equality, and to act impartially.

Building relationships will also be a priority. I see part of my role as communicating about the work of the Court in a way that improves transparency and supports public trust in the administration of justice. I will look to deepen existing connections with communities in British Columbia and the Yukon.

The place of humility in pursuing these commitments, and all other aspects of the Court's work, is not lost on me. Humility is a necessary ingredient in upholding the obligations of every judge to act with integrity and respect, with diligence and competence, to pursue equality, and to act impartially. I will aim at all times to act with awareness of my weaknesses and blind spots, and to seek out and really listen to those with strengths and experiences different from my own.

I am deeply honoured to hold the office of Chief Justice and look forward to the challenges and the many opportunities ahead.



As reported last year, the Court continues to seek and obtain necessary resources for its transition to a largely electronic record and, in particular, needed upgrades to its decades-old case management systems.

REGISTRAR'S REPORT

THE COURT'S ACTIVITY

Each year, the Court of Appeal produces this annual report summarizing the Court's activity in the previous calendar year. This year, the Court saw a small decrease in the number of appeals filed, from 812 to 794. New criminal appeals increased from 128 to 144, and new civil appeals dropped from 684 to 650. These represent fairly insignificant changes.

This year, the Court delivered written reserve judgments in 261 appeals (200 civil and 61 criminal) and pronounced judgment with oral reasons in a further 107 appeals (81 civil and 26 criminal). In chambers, the Court gave reserve judgments in 35 civil applications and five criminal applications. Detailed statistics for criminal and civil caseloads for the last 13 years can be found in the three appendices at the end of this annual report.

As reported last year, the Court continues to seek and obtain necessary resources for its transition to a largely electronic record and, in particular, needed upgrades to its decades-old case management systems. This includes upgrades to allow for improved collection of data and the use of more rigorous statistical standards. Accordingly, data within the Court's annual reports must be viewed with some caution.

SITTINGS OF THE COURT

To hear an appeal, the Court sits a minimum of three justices, known as a "division." In 2023, the Court sat 83 divisions in Vancouver, four fewer than in 2022. In addition to its Vancouver sittings, the Court sat for five weeks in Victoria and once in Kamloops in 2023. All justices of the Court are also members of the Yukon Court of Appeal, along with justices of the Yukon, the Northwest Territories, and Nunavut. The Yukon Court of Appeal sat in May and November of 2023.

EXTRA-JUDICIAL APPOINTMENTS AND ACTIVITIES

In addition to their workload in hearing cases and issuing judgments, every justice is involved in activities in the legal profession, the judiciary, local communities, the Province, and Canada.

Justices also attend continuing education seminars, for lawyers and for justices, in Canada and abroad, as participants and speakers. In 2023, justices of the Court participated in activities with the following bodies:

- ✓ Access to Justice BC
- ✓ The Advocates' Society

- ✓ BC Judicial Appointments Committee
- ✓ Canadian Bar Association
- ✓ Canadian Judicial Council
- ✓ Canadian Institution for the Administration of Justice
- ✓ Child & Youth Legal Centre
- ✓ Continuing Legal Education Society of British Columbia
- ✓ Federal Electoral Boundaries Commission
- ✓ Federation of Law Societies of Canada
- ✓ Gale Moot
- ✓ Inns of Court
- ✓ Indigenous Youth Outreach Program
- ✓ Judicial Advisory Committee on International Engagement
- ✓ Justice Education Society
- ✓ Justice Summit
- ✓ Law Society of British Columbia
- ✓ Lawyers Without Borders
- ✓ National Judicial Institute
- ✓ Ontario Court of Justice
- ✓ Provincial Court Judges Conference
- ✓ Thompson Rivers University
- ✓ University of British Columbia Allard School of Law
- ✓ University of Victoria
- ✓ Vancouver Institute
- ✓ Woodward Foundation

RECORDS AND INFORMATION MANAGEMENT

The Court of Appeal maintains a records and information management program based on sound policies and best practices from the records and information management field. Appeal court records are jointly governed, managed and preserved by the Court of Appeal, Attorney General, Corporate Information & Records Management Office (CIRMO) and the British Columbia Museum and Archives. Appeal court records are permanently preserved by the British Columbia Archives (paper records) and are to be preserved by CIRMO (digital records) according to Court Information Schedules established under the *Information Management Act*. The [Court Information Schedule](#) for the Court of Appeal was updated and approved by the Chief Justice and Attorney General in March 2019.

The Court of Appeal records and information management (RIM) program is developed, delivered, and maintained by the Supervisor and Appellate Court Records Officer. This position is also responsible for the supervision of the Records Analyst. The Office Manager supervises the Document Management Clerk team who assists with back up coverage for the RIM program.



In consultation with the Registrar, the Records Officer identifies risks and priorities and develops policies and procedures for the Court of Appeal RIM program.

In consultation with the Registrar, the Records Officer identifies risks and priorities and develops policies and procedures for the Court of Appeal RIM program. The Records Analyst implements procedures for the daily receipt, processing, organization, delivery, storage and disposition of Court of Appeal “books” (e.g., appeal books, appeal records, factums and transcripts) throughout the hearing process. Court Services Branch staff in the Court of Appeal Registry manage the filing of all court records along with the daily receipt, processing, organization, delivery and storage of administrative records for an appeal (e.g., initiating records, notices, application records, chambers materials, etc.). Document Management Clerks manage the daily organization and distribution of files and court records, mail, couriered packages and photocopying for both the Court of Appeal and the Supreme Court in Vancouver.

Records and Information Management Program Highlights in 2023:

- Participated in the development of two Canadian Judicial Council Model Policies
 - Model Policy for the Retention of Court Information
 - Model Policy for the Classification of Court Information
- Made various changes to completion instructions and templates
 - Civil completion instructions and Word templates updated to include instructions for ensuring publication bans, sealing orders, and anonymization orders are noted on cover pages.
 - Criminal factum and statement Word templates and checklists updated to replicate the format of civil completion instructions and Word templates.
- Conducted an audit of cases with record suspensions (pardons) to ensure they were flagged in the appeal case tracking database to mitigate the risk of information breaches.
- Processed about 184 access requests (many for multiple court records) for factums, appeal books, appeal records, and other records related to appeal hearings for the public and legal profession.
- Updated access to audio proceeding procedures to mitigate the risk of information breaches related to *in-camera* proceedings.
- Clarified access to audio of family appeal proceedings in the Records and Courtroom Access Policy.
- Made various updates to the Court of Appeal’s internal network (Intranet).
- Streamlined access request procedures for requesters by combining Appendix C and current access request form.
- Inventoried retiring Chief Justice Bauman’s personal records with the help of his Judicial Coordinator to identify records of use for Chief Justice Marchand.
- Commenced a review of, and proposed updates to, the Court Information Schedule for the Court of Appeal under the *Information Management Act*, S.B.C. 2015, c. 27.

- Participated in a working group including the Court Services Branch and transcription companies to develop transcription requirements for lower court transcripts.



In 2023, the Court disposed of 529 civil appeals, or 81 per cent of the 650 appeals filed.

STATISTICS

The charts below give a detailed account of the Court’s activity in 2023. The three appendices at the end of this report provide a detailed historical account of criminal and civil statistics over the last 13 years.

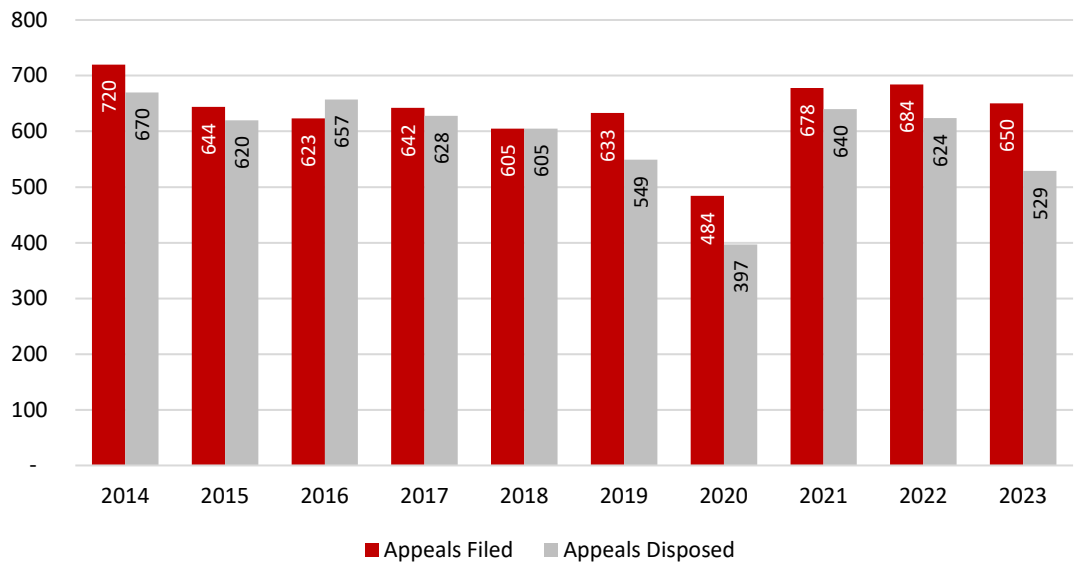
CIVIL APPEALS FILED AND DISPOSED

The chart below shows the number of civil appeals filed and disposed of from 2014 to 2023.

In 2023, the number of civil appeals filed decreased slightly from 684 in 2022 to 650.

The Court measures the number of civil appeals disposed of as a percentage of the total number of civil appeals filed in a given year. In 2023, the Court disposed of 529 civil appeals, or 81 per cent of the 650 appeals filed. An appeal that is “disposed” or “disposed of” in this annual report means that it has been dismissed, allowed, or abandoned and is no longer on the Court’s docket. Though not a complete measure of the Court’s workload, the purpose of this chart is to show how the Court is keeping up with the appeals filed by looking at new appeals filed as “inputs” and disposed appeals as “outputs” in a given year.

Civil Appeals Filed and Disposed 2014 - 2023



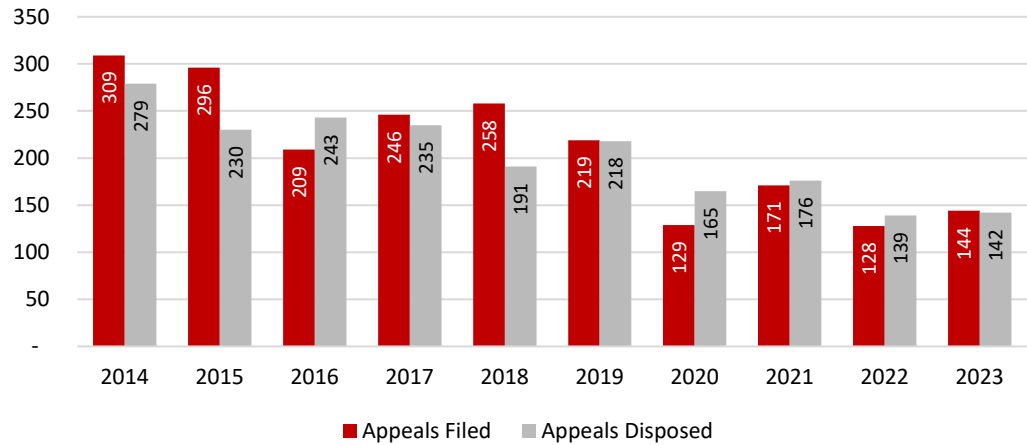


With 671 appeals disposed of and 794 appeals filed, 84 per cent of appeals were disposed of as a percentage of new appeals filed.

CRIMINAL APPEALS FILED AND DISPOSED

In 2023, there were 144 criminal appeals filed, up from 128 filed in 2022. The Court disposed of 142 criminal appeals, or 99 per cent of the 144 criminal appeals filed.

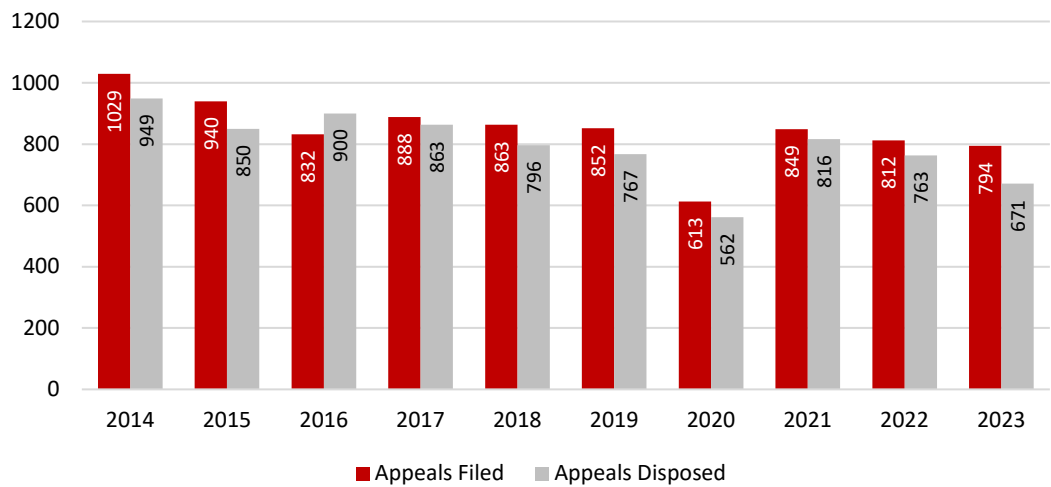
Criminal Appeals Filed and Disposed 2014 - 2023



TOTAL APPEALS FILED AND DISPOSED

For a more complete picture of total activity, the chart below combines the civil and criminal new appeals filed and dispositions. With 671 appeals disposed of and 794 appeals filed, 84 per cent of appeals were disposed of as a percentage of new appeals filed.

Total Appeals Filed and Disposed 2014 - 2023



“*The Court heard a total of 40 leave to appeal applications in 2023, granting 21 of the 40, or 53 per cent.*”

PENDING CASES BY YEAR

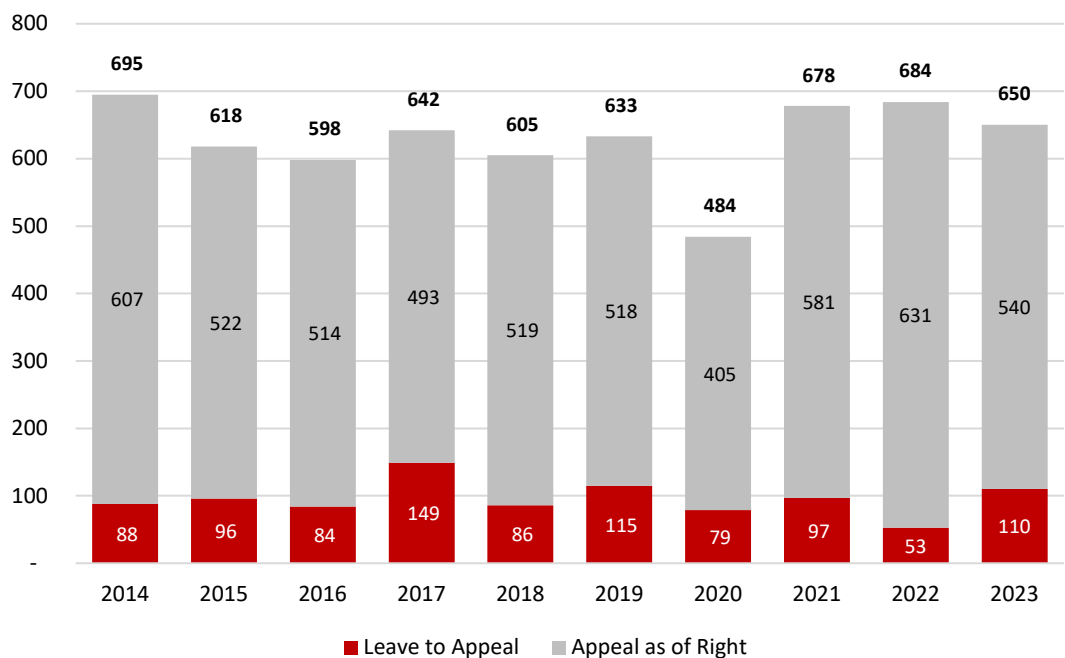
As appeals are filed and disposed of by the Court, the total number of outstanding cases on the Court’s docket changes accordingly. Measured as at January 1 each year, this statistic is known as the number of “pending cases.” The Court of Appeal is undertaking a data-quality audit of its pending case statistics and will be reporting further on this statistic in the 2024 annual report.

CIVIL APPEALS BY LEAVE VS. BY RIGHT

In 2023, a total of 650 civil appeals were filed. Of those filed in 2023, 17 per cent (110 of 650) were applications for leave to appeal. Before appealing certain types of orders, litigants must get permission, or “leave,” to bring an appeal to the Court. The Court heard a total of 40 leave to appeal applications in 2023, granting 21 of the 40, or 53 per cent.

The first chart below shows appeals filed as of right versus those filed seeking leave. The second chart shows the number of applications for leave to appeal heard versus the number of those applications that were granted.

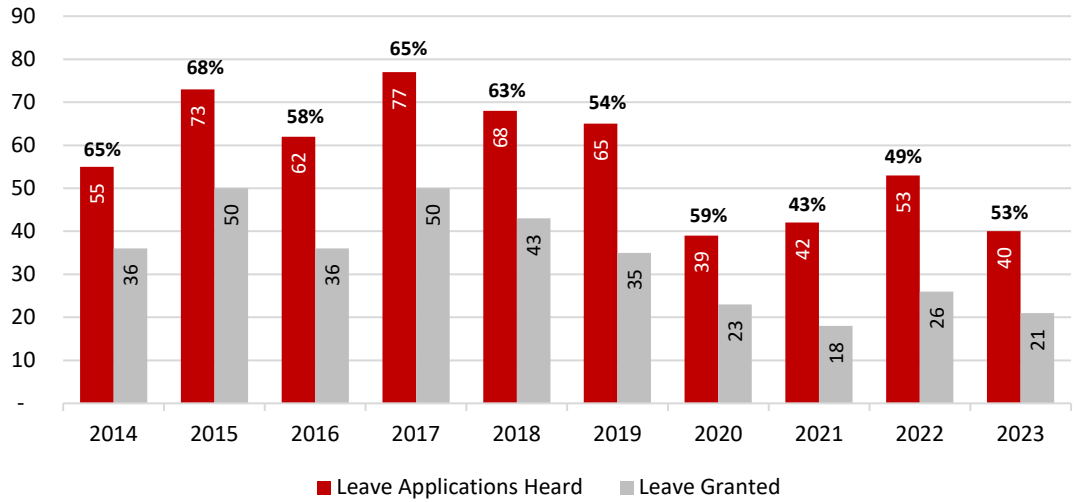
Civil Filed as of Right vs. Filed Seeking Leave 2014 - 2023





In 2023, there were 52 sentence appeals filed and 57 conviction appeals filed.

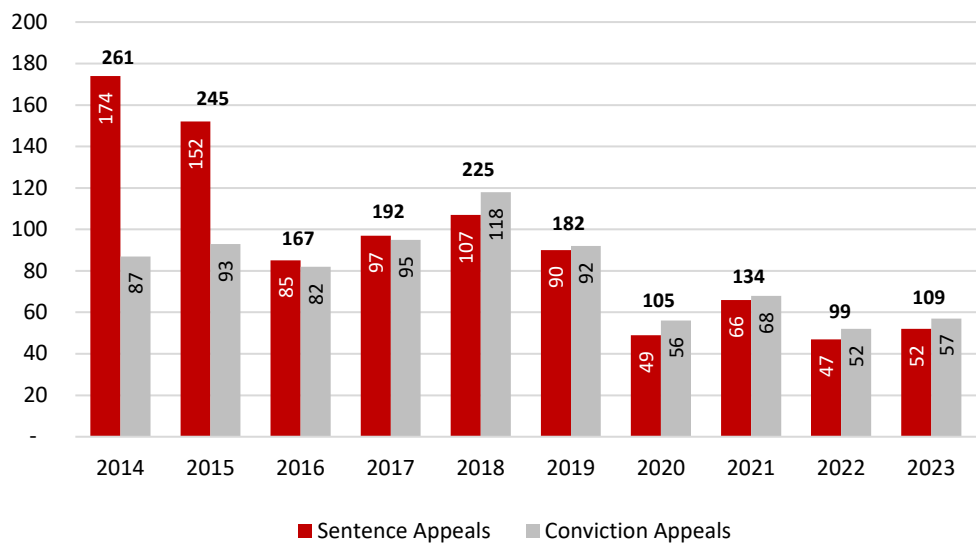
Civil Leave to Appeal Applications Heard vs. Granted 2014 - 2023



TYPES OF CRIMINAL APPEALS FILED

In criminal matters, appeals from convictions and acquittals take up most of the Court’s hearing time. Sentence appeals and summary conviction appeals require less time. The chart below gives a comparison of criminal appeals filed between 2014 and 2023. In 2023, there were 52 sentence appeals filed and 57 conviction appeals filed. There were 35 acquittal, summary conviction, and other appeals filed.

Criminal Appeal Types 2014 - 2023

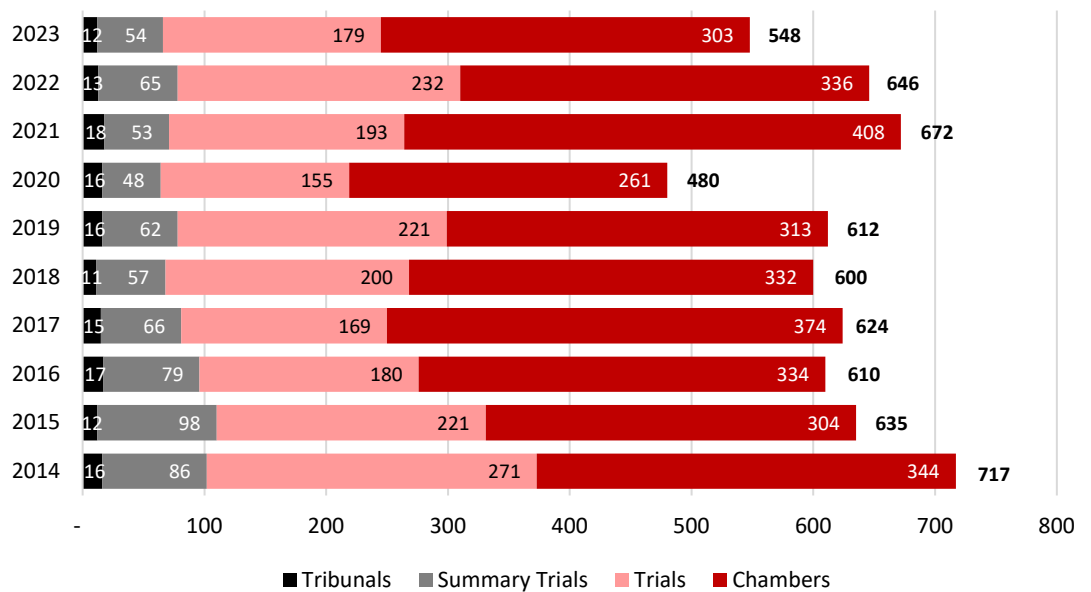


“
 In 2023,
 approximately 65
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 chambers matters
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 trials.”

ORIGIN OF CIVIL APPEALS

In most cases, the Court is able to determine the type of proceeding giving rise to an appeal. As in years past, figures show there were more appeals from Supreme Court of British Columbia chambers matters and summary trials combined than appeals from trials in that court. The chart below shows the types of appeals according to the underlying proceeding. In 2023, approximately 65 per cent of civil appeals were from chambers matters and summary trials.

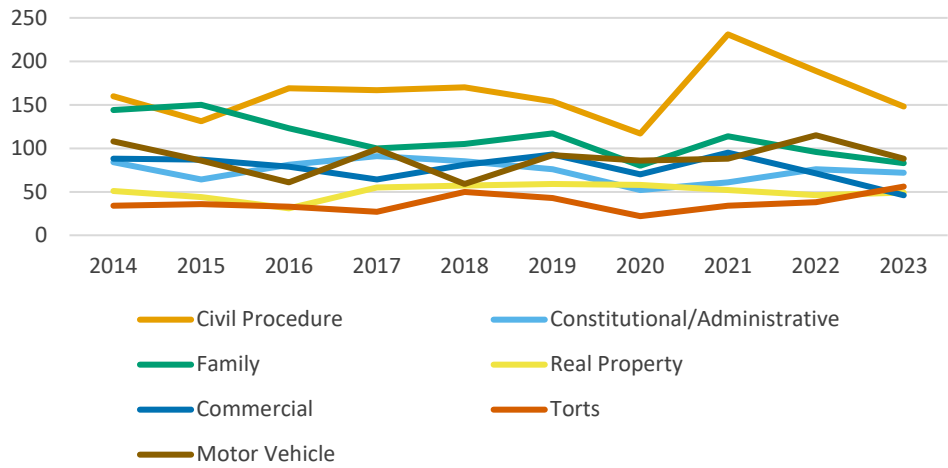
Origin of Civil Appeals 2014 - 2023



CIVIL & CRIMINAL CASE CATEGORIES

When a civil appeal is filed with the Court, litigants indicate the subject of the appeal in the document initiating their appeal. The chart below shows the top seven categories of appeals filed between 2014 and 2023.

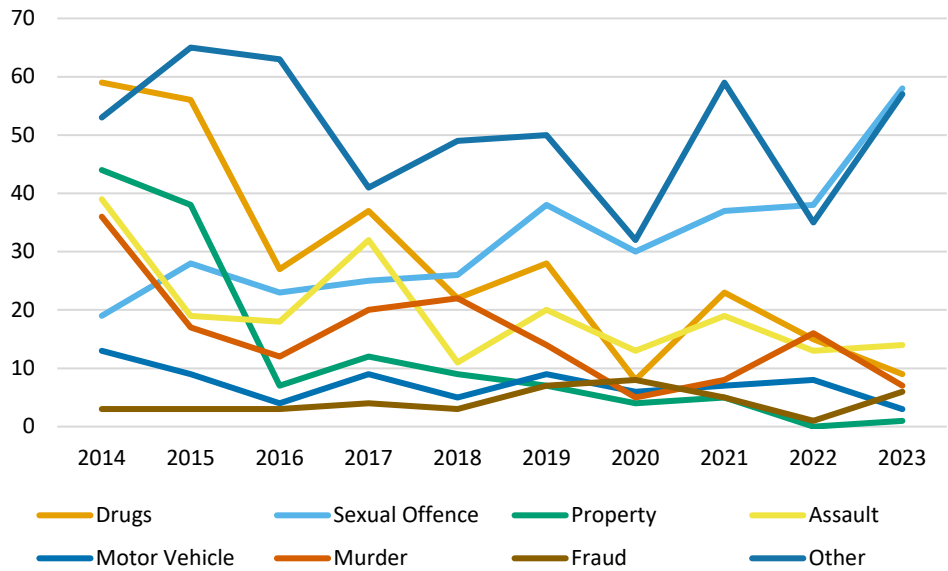
Civil Case Categories 2014 - 2023



CRIMINAL CASE CATEGORIES

The Court identifies and tracks the subject of criminal appeals. The chart below shows the top eight categories of appeals filed between 2014 and 2023 by number of appeals. “Other” covers various offences, such as arson and mischief as well as extradition and *habeas corpus* appeals.

Criminal Case Categories 2014 - 2023





*In 2023, the proportion of **civil appeals allowed** was **31 per cent of the total civil appeals heard** (91 allowed, 198 dismissed). For **criminal appeals**, **35 per cent were allowed** (28 allowed, 52 dismissed).*

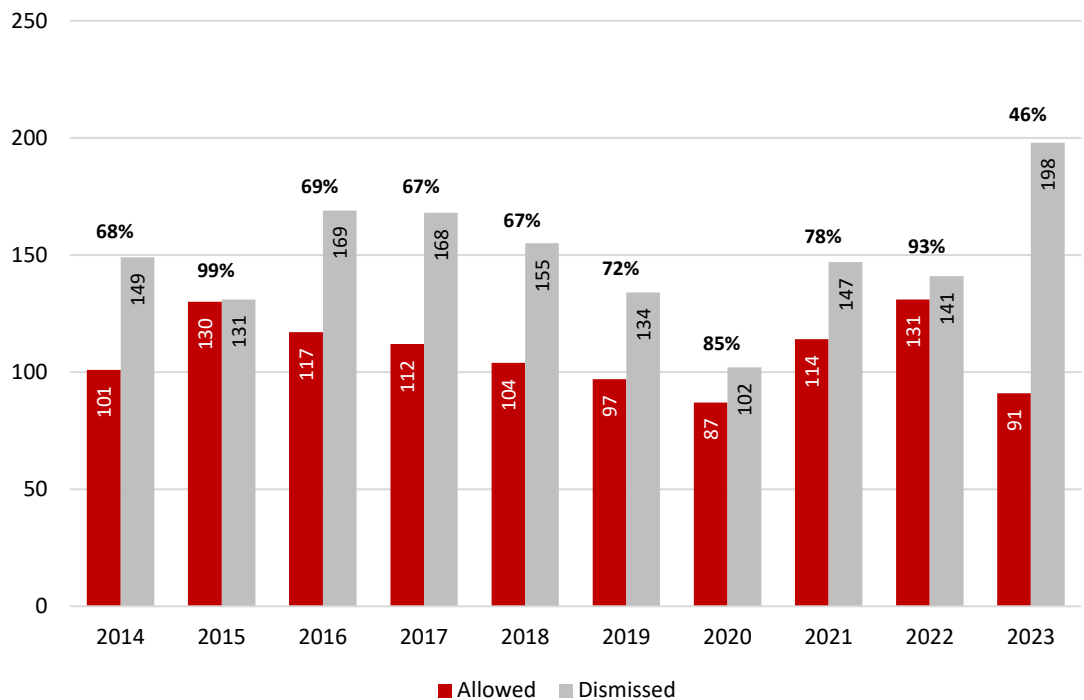
APPEALS ALLOWED AND DISMISSED

An appeal is “allowed” when the Court overturns or varies the order under appeal from the lower court or tribunal. In 2023, the proportion of civil appeals allowed was 31 per cent of the total civil appeals heard (91 allowed, 198 dismissed). For criminal appeals, 35 per cent were allowed (28 allowed, 52 dismissed).

The “allowed” statistics include appeals partially allowed by any variations in the order under appeal. The number of appeals allowed in part is not insignificant. In 2023, there were 38 civil appeals allowed in part, or 42 per cent of the 91 allowed. There were five criminal appeals allowed in part, or 18 per cent of the 28 allowed.

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

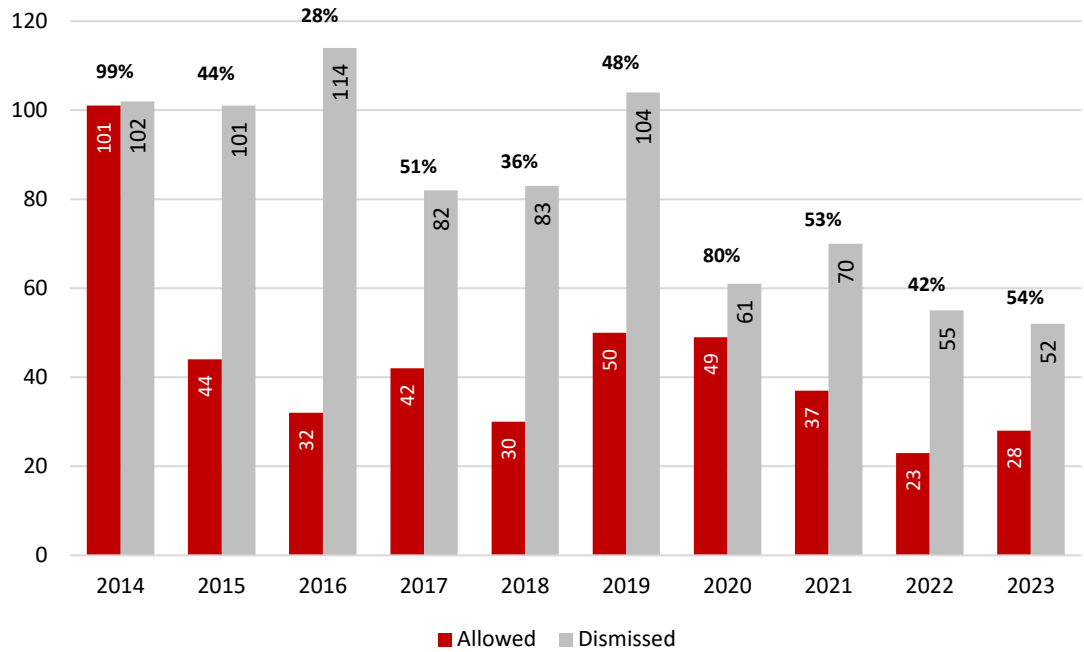
Civil Appeals Allowed/Dismissed 2014 - 2023





In 2023, out of 664 civil appeals and applications for leave to appeal filed, 201 appeals (30 per cent) were appeals or applications for leave to appeal involving at least one self-represented litigant.

Criminal Appeals Allowed/Dismissed 2014 - 2023



SELF-REPRESENTED LITIGANTS

The charts below compare the number of civil appeals where at least one party was self-represented in a new appeal filed between 2014 and 2023 with the total number of civil appeals filed in those years.

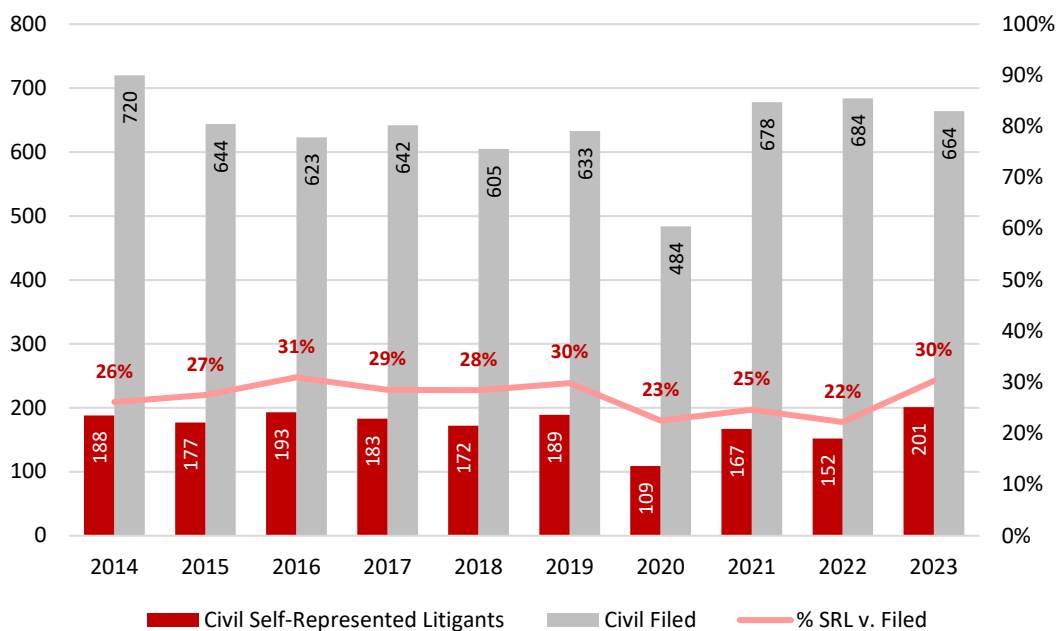
In 2023, out of 664 civil appeals and applications for leave to appeal filed, 201 appeals (30 per cent) were appeals or applications for leave to appeal involving at least one self-represented litigant. This is an increase from 2022, where the figure was 22 per cent.

Of the appeals filed in 2023 involving at least one self-represented litigant, 91 per cent involved self-represented appellants and 16 per cent involved self-represented respondents, which means that seven per cent involved both a self-represented appellant and a self-represented respondent. Of 292 civil appeals disposed of by the Court in 2023, 59 cases (20 per cent) involved at least one self-represented litigant. This is an increase from 2022, where the figure was 54 of 272 (18 per cent).

The graph below illustrates the trend with respect to appeals filed between 2014 and 2023:

“
 Out of the 32 criminal appeals involving self-represented litigants in 2023, 30 involved self-represented appellants and two involved self-represented respondents.”

Civil Appeals Filed with a Self-Represented Party/Civil Appeals Filed 2014 - 2023

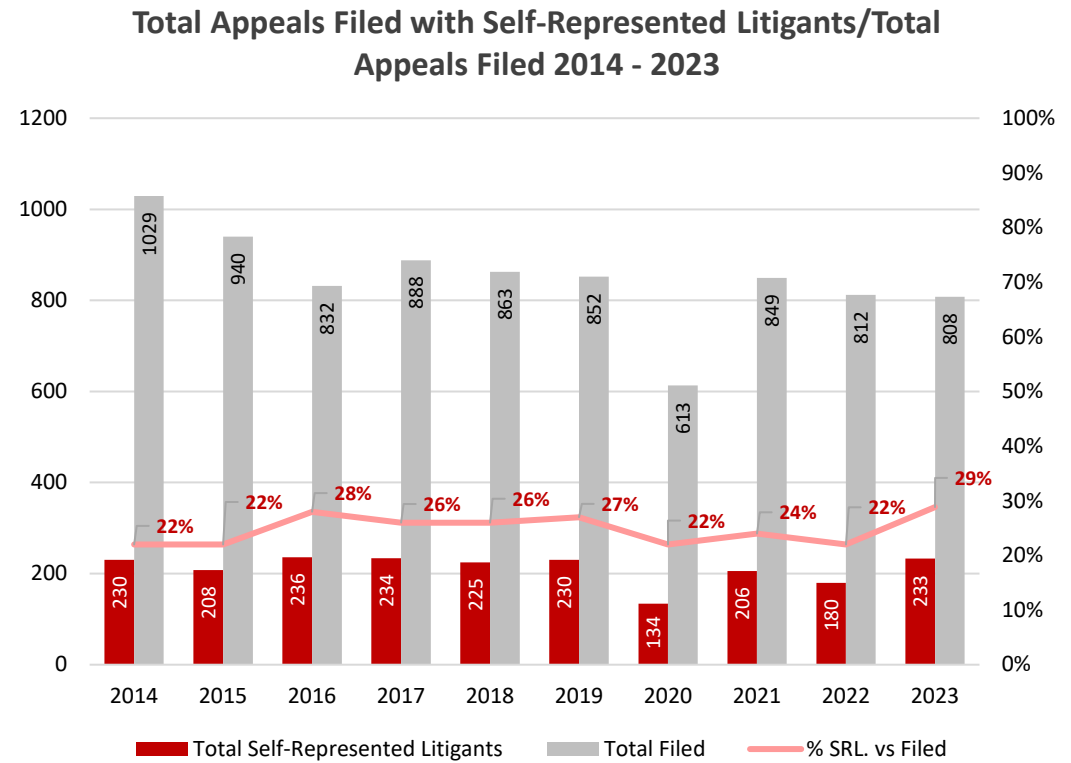
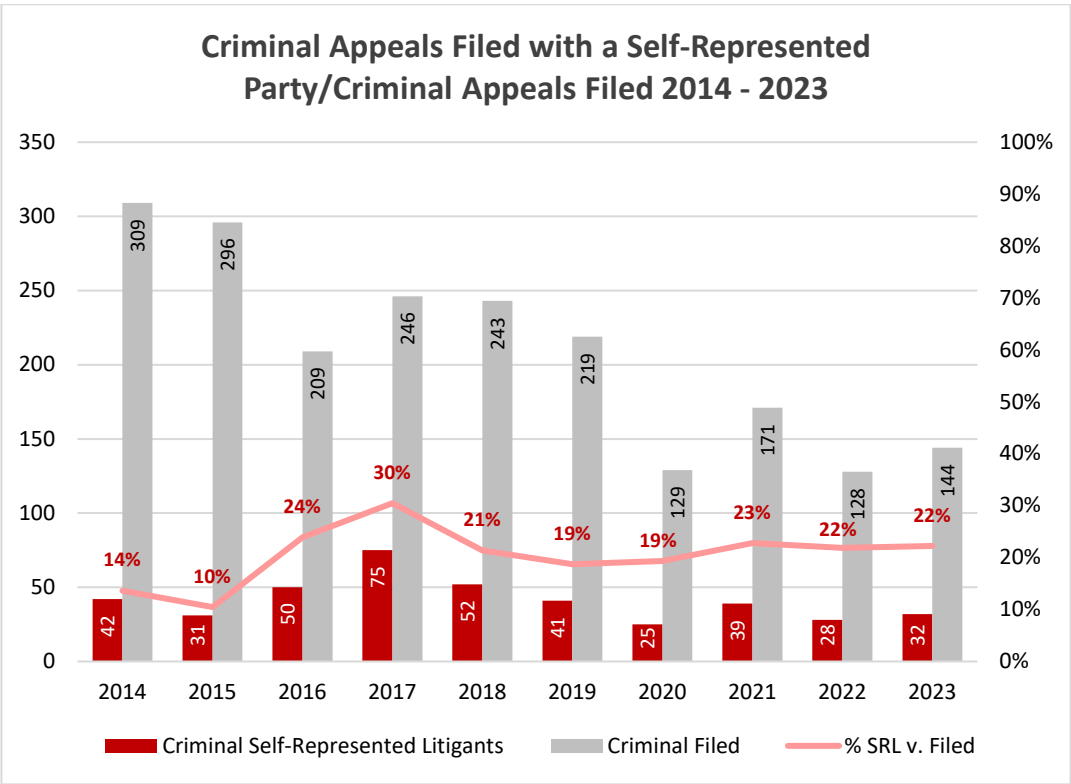


In 2023, out of 106 family appeals or applications for leave to appeal filed, 52 appeals (49 per cent) were appeals or applications for leave to appeal involving at least one self-represented litigant. This is a slight decrease from 2022, where the figure was 49 out of 96 (51 per cent).

Out of the 52 family appeals filed in 2023 involving at least one self-represented litigant, 83 per cent involved self-represented appellants and 25 per cent involved self-represented respondents, which means that eight per cent involved both a self-represented appellant and a self-represented respondent. Of the 29 family appeals disposed of by the Court in 2023, 14 cases (48 per cent) involved at least one self-represented litigant. This is an increase from 2022, where the figure was eight of 35 (23 per cent).

Turning to criminal appeals, out of 144 appeals or applications for leave to appeal filed, 32 appeals (22 per cent) were appeals or applications for leave to appeal involving a self-represented litigant. This percentage was unchanged from 2022.

Out of the 32 criminal appeals involving self-represented litigants in 2023, 30 involved self-represented appellants and two involved self-represented respondents. Of the 116 criminal appeals or applications for leave to appeal disposed of by the Court in 2023, 10 (nine per cent) involved a self-represented litigant. This is lower than in 2022, where the figure was 12 per cent.



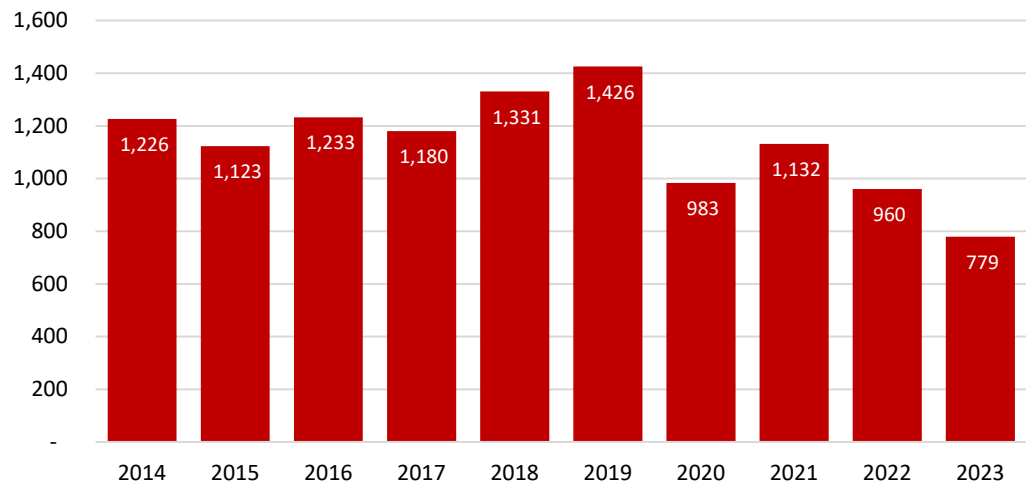


In 2023, 71 civil case management hearings were conducted by a justice or the Registrar.

CHAMBERS AND CASE MANAGEMENT

The term “chambers applications” describes applications brought by litigants before a single justice seeking various forms of relief before an appeal is heard. The Court counts each individual application brought by a litigant, even if multiple applications are brought during the same court hearing. The chart below shows the number of chambers applications brought in both civil and criminal appeals in a given year.

Chambers Applications Civil and Criminal 2014 - 2023

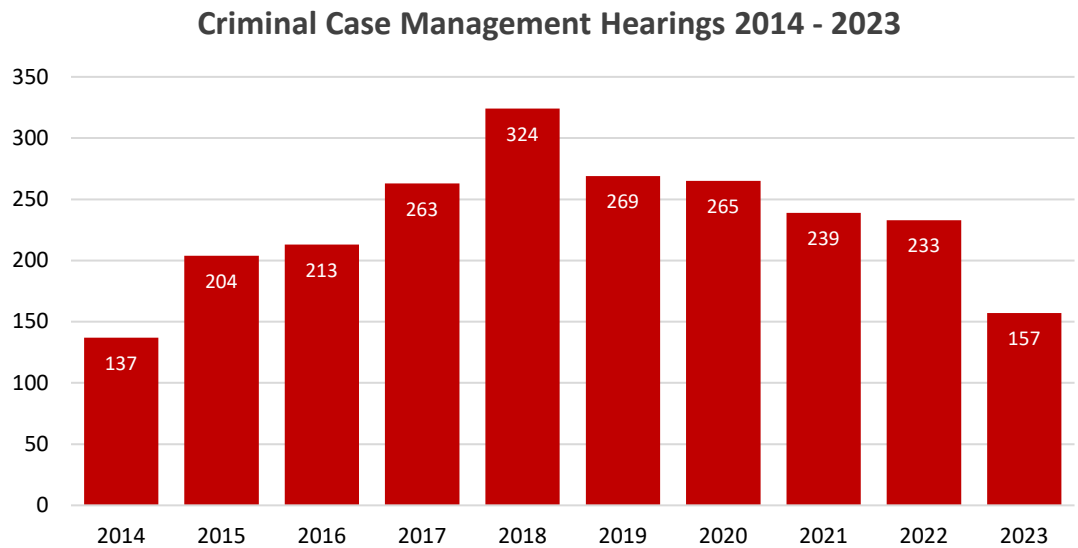


Part of the work in chambers includes the case management of appeals, which are captured in the statistic above. The Court applies a form of focused case management, only seeking to manage those appeals where deadlines are missed or where the parties request the Court’s assistance.

In 2023, 71 civil case management hearings were conducted by a justice or the Registrar.

On the criminal side, case management is done more frequently pursuant to [Criminal Conviction/Acquittal Appeals Timeline \(Criminal Practice Directive, 13 January 2014\)](#). The chart below plots the number of criminal case management hearings year-over-year. These statistics include criminal case management conducted by the Registrar, reported below.

“
In 2023, the
Registrar conducted
114 hearings, an
increase from 2022.



VIRTUAL AND HYBRID APPEARANCES

In 2023, the Court conducted appeal and chambers hearings in person, by videoconference, a hybrid of videoconference/in person, and by teleconference (for chambers only). Appeal hearings were overwhelmingly heard in person, with 424 (328 civil and 96 criminal) of the total 455 appeal hearings proceeding with all parties present in court. There were a further five appeal hearings (all civil) heard by videoconference only, and 26 (16 civil, 10 criminal) that proceeded in a hybrid fashion, with some parties in person and others attending by videoconference.

As with appeals, the most frequent manner of appearance for chambers hearings in 2023 was in-person attendance, with 488 (373 civil, 115 criminal) of the 777 hearings conducted with all parties present in chambers. An additional 285 (146 civil, 115 criminal) chambers hearings were heard in a hybrid fashion, with some parties appearing in person and some attending by videoconference. There was one (criminal) chambers hearing conducted by videoconference only, and an additional three (criminal) chambers applications were heard by phone.

In 2023, the Court began tracking the number of viewers watching its appeal broadcasts. This year the average number of persons viewing an appeal was 13.

REGISTRAR'S HEARINGS

In 2023, the Registrar conducted 114 hearings, an increase from 2022.

With respect to civil matters, there were 39 hearings. Within those hearings, 16 court orders were settled, 33 bills of cost were assessed (two bills of special costs were assessed), one appeal book was



The term “**filing to perfection**” measures the time in days from the filing of the initiating document to the time an appeal is ready to be scheduled for hearing.

settled, and 22 case management conferences were held in civil matters. With respect to criminal matters, the Registrar heard 44 case management hearings. The Registrar heard nine urgent applications.

In addition, the Registrar issued approximately 186 written directives to parties on various case management issues, an increase from the 126 written directives given in 2022.

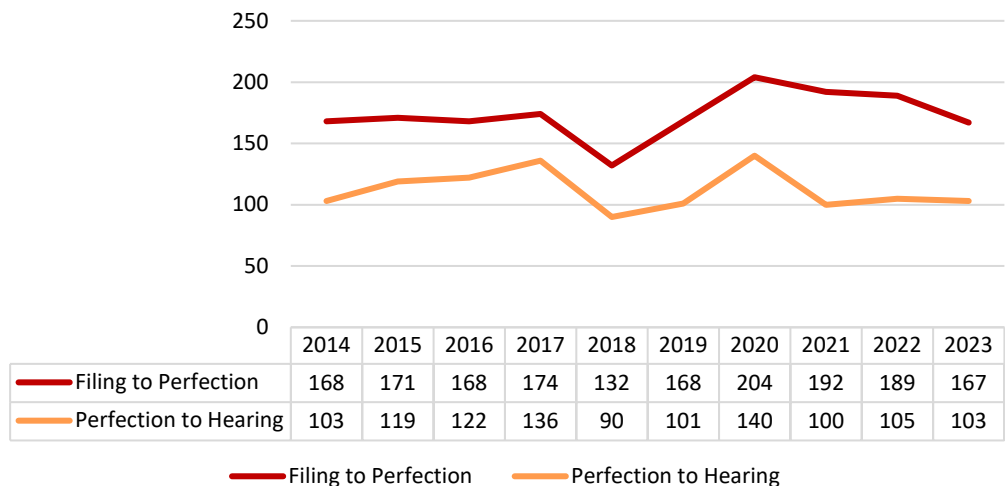
In 2023, there were nine registrar’s decisions reviewed by a justice in chambers, eight of which were dismissed and one where directions were given.

TIME LAPSE STATISTICS: FILING TO HEARING

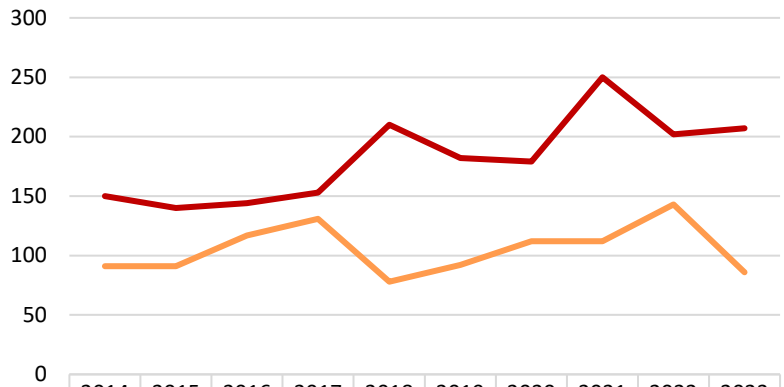
The four charts below represent two timeframes showing the mean amount of time in days for an appeal to progress through the Court from start to finish. The term “filing to perfection” measures the time in days from the filing of the initiating document to the time an appeal is ready to be scheduled for hearing. The term “perfection to hearing” measures the time in days from when an appeal is ready to be scheduled until it is heard.

The Court’s available dates fluctuate, but generally, the parties may obtain a date for hearing the appeal within 100 days of a request. For the hearing of a civil or family appeal, appeals are booked within about three months of perfection, for a criminal conviction appeal within six months, and for a criminal sentence appeal within a month.

Civil 2014 - 2023



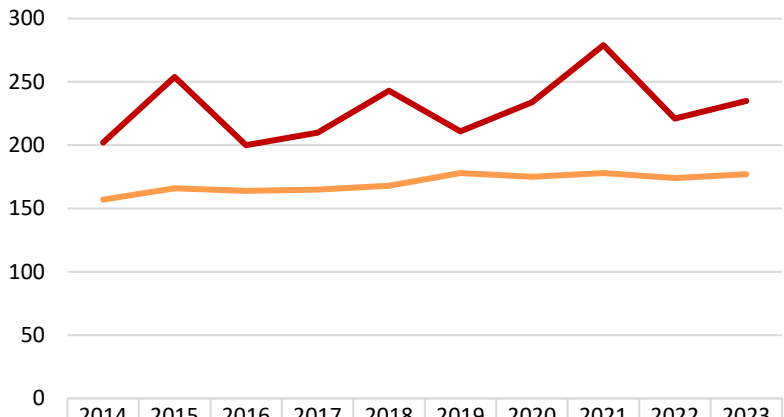
Family 2014 - 2023



	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
— Filing to Perfection	150	140	144	153	210	182	179	250	202	207
— Perfection to Hearing	91	91	117	131	78	92	112	112	143	86

— Filing to Perfection — Perfection to Hearing

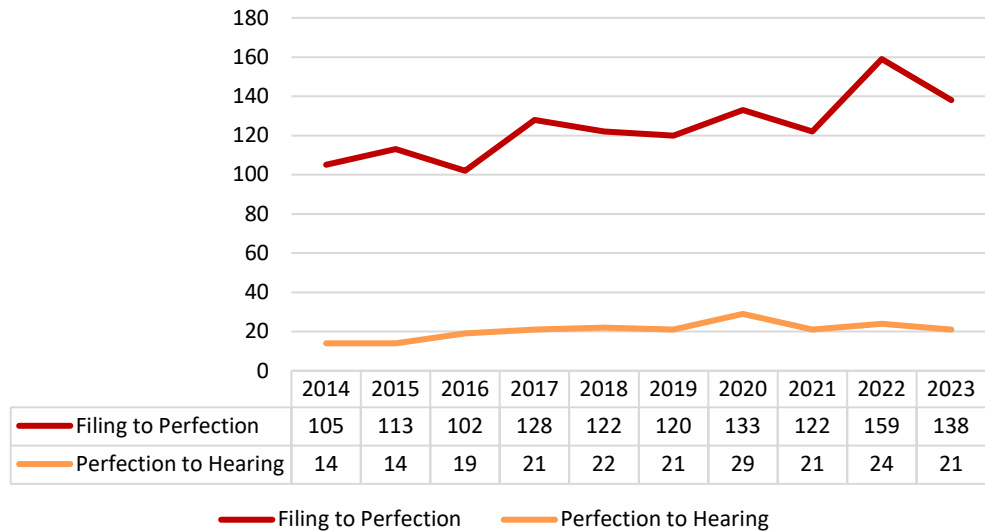
Conviction 2014 - 2023



	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
— Filing to Perfection	202	254	200	210	243	211	234	279	221	235
— Perfection to Hearing	157	166	164	165	168	178	175	178	174	177

— Filing to Perfection — Perfection to Hearing

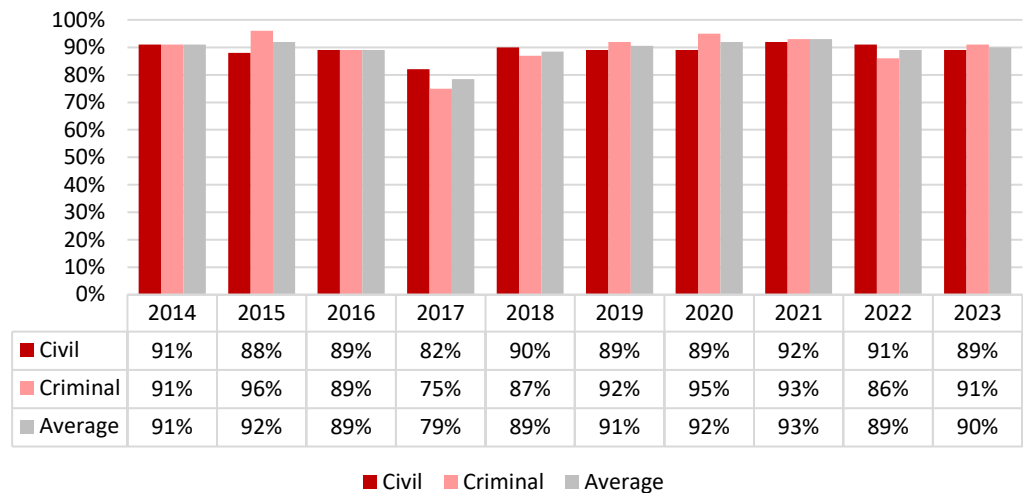
Sentence 2014 - 2023



TIME LAPSE STATISTICS: HEARING TO JUDGMENT

The Canadian Judicial Council provides a six-month guideline for the release of reserve judgments. The chart below represents the percentage of Court of Appeal reserve judgments released within that six-month period, sorted by civil, criminal, and total reserve judgments. For the purpose of this statistic, the Court counts only its reserved written judgments, as reserved oral judgments are usually delivered very shortly after the hearing of the appeal.

Percentage of Reserve Judgments Release within Six-Month Guideline 2014 - 2023





In 2023, six per cent of leave applications from British Columbia to the Supreme Court of Canada were successful (five of 87 considered).

APPEALS TO THE SUPREME COURT OF CANADA

Statistics from the Supreme Court of Canada show that the Court of Appeal is the Court of last resort for most British Columbians. In most cases, litigants must seek permission/leave from the Supreme Court of Canada to appeal a case from the British Columbia Court of Appeal.

In 2023, six per cent of leave applications from British Columbia to the Supreme Court of Canada were successful (five of 87 considered). Of the 120 appeals heard by the Supreme Court of Canada from British Columbia between 2012 and 2023 (inclusive), 59 were dismissed, and 48 were allowed.

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021*	2022	2023
B.C. Leave Applications Submitted	71	76	81	64	76	65	71	77	42	52	57	88
Granted	14	8	9	10	12	9	6	8	4	7	4	5
Dismissed	54	62	71	51	60	55	64	68	37	45	46	80
Reserved	0	0	0	0	0	0	0	0	0	0	7	2
Discontinued	0	0	0	1	2	1	0	0	0	0	0	0
Extension of time - dismissed	2	2	1	1	1	0	1	0	1	0	0	1
Quashed	0	0	0	0	0	0	0	0	0	0	0	0
Remanded	1	4	0	1	1	0	0	1	0	0	0	0
Percentage from B.C.	13%	14%	16%	13%	13%	13%	15%	14%	9%	12%	13%	16%
B.C. Appeals Heard	14	12	8	10	17	12	8	8	6	12	7	6
Allowed	6	5	6	3	9	5	5	5	1	2	1	0
Dismissed	8	7	2	7	8	7	3	3	4	6	3	1
Reserved	0	0	0	0	0	0	0	0	0	4	3	5
Percentage from B.C.	18%	16%	10%	16%	27%	18%	12%	12%	16%	21%	13%	12%

*As of January 19, 2024



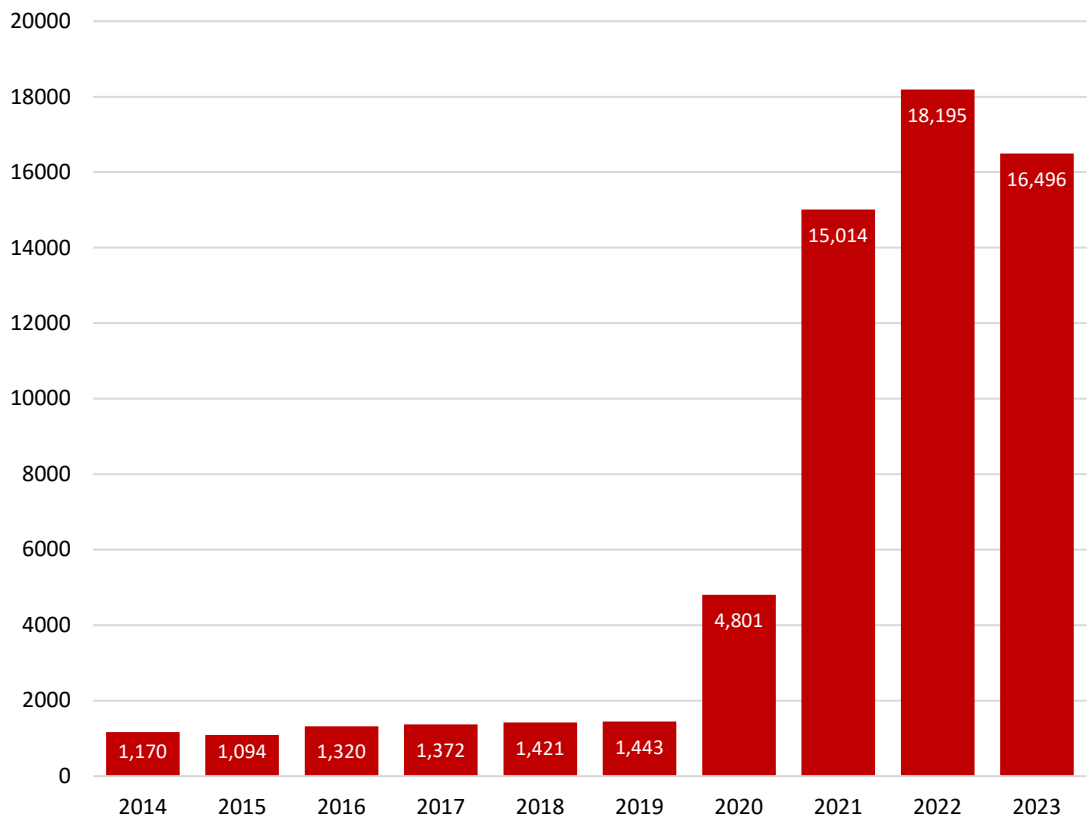
In 2023, there were 15,555 civil e-filings and 941 criminal e-filings for a total of 16,496.

ELECTRONIC FILING

WebCATS, the web-based Court of Appeal tracking system, is the Court’s electronic case management system. WebCATS has been available to the public through [Court Services Online](#) (CSO) since 2005, allowing the public to search civil and criminal files for free and to view individual files for a nominal fee. The CSO system is also the Court’s e-filing system, so the statistics below are drawn from the filings made in that system and do not include other documents submitted electronically, for example, by email.

In 2023, there were 15,555 civil e-filings and 941 criminal e-Filings for a total of 16,496. The most commonly e-filed documents were Notices of Appearance with 1,006 filings, followed by affidavits with 856 filings, and consent orders with 831 filings.

E-Filing 2014 - 2023



ONLINE BOOKING OF APPEALS

As reported in 2021, the online booking of appeals service was launched in April of that year. Parties may now book civil and criminal appeals online, so long as those appeals are set for a day or less of hearing time. In 2023, a total of 133 hearings were booked using this service, an increase from the 124 hearings booked using this service in 2022.



Access to Justice BC (A2JBC) is a network of justice system stakeholders committed to improving access to justice for British Columbians. It seeks to align network members in their efforts and to support collaborative, innovative, user-centered, and evidence-based initiatives.

PLANNING, PRIORITIES, AND ACCESS TO JUSTICE COMMITTEE

MEMBERS

The Honorable Chief Justice Bauman (Chair to September 30, 2023)
The Honourable Chief Justice Marchand (Chair from December 7, 2023)
The Honourable Mr. Justice Harris (Chair from October 1 - December 6, 2023)
The Honourable Madam Justice Fenlon
The Honourable Madam Justice DeWitt-Van Oosten
The Honourable Mr. Justice Voith
Timothy Outerbridge, Registrar
Heidi McBride, Executive Director and Senior Counsel
Sally Rudolf, Legal Counsel
Shirley Smiley, Legal Counsel

The mandate of the Planning, Priorities, and Access to Justice Committee is to consider matters of general importance to the operation of the Court, including court reform, new policies, initiatives, and changes to court administration. The Committee functions as the Court's Executive Committee.

The following matters were considered in 2023:

ACCESS TO JUSTICE BC

The Chief Justice reported to the Court in 2023 on the work of Access to Justice BC.

Access to Justice BC (A2JBC) is a network of justice system stakeholders committed to improving access to justice for British Columbians. It seeks to align network members in their efforts and to support collaborative, innovative, user-centered, and evidence-based initiatives. While A2JBC does not itself run projects, it provides support to initiatives and encourages justice system institutions and professionals to adopt the "Triple Aim" methodology, which will focus projects on three objectives: improved user experience, improved population outcomes, and improved costs. In 2023, A2JBC continued its work in the area of family law. As reported last year, A2JBC is leading the multi-sector Transform the Family Justice System Collaborative to align various groups behind improving the justice system to decrease harm to families and children. Updates on A2JBC initiatives can be found on the A2JBC website and the Chief Justice's blog at www.accesstojusticebc.ca.



*In the coming year, the **Reconciliation Working Group** will be developing recommendations to the Court for additional steps that may be taken in this area.*

INDIGENOUS RECONCILIATION

In 2023, the Court continued its work on reconciliation. As reported in 2022, the Court has formed a Reconciliation Working Group, chaired by Justice Fenlon. The judges who make up the Reconciliation Working Group have invited a number of Indigenous and non-Indigenous experts to provide information and views relating to reconciliation and the Court. The Reconciliation Working Group has expanded to include an observer from each of the BC Supreme and Provincial Courts.

The Reconciliation Working Group has heard from Justice Walkem and Judge Diana Vandor about their work on the BC Human Rights Tribunal reconciliation plan; and Justice Lore Mirwaldt on the Manitoba Court of King’s Bench. The Reconciliation Working Group also heard from Kory Wilson, Amanda Carling, and Andrea Hilland, K.C. from the BC First Nations Justice Council, and former Chief Justice Redman of the Alberta Court of Justice.

The Reconciliation Working Group was created a Reconciliation Library in the Court of Appeal judges’ lounge.

In the coming year, the Reconciliation Working Group will be developing recommendations to the Court for additional steps that may be taken in this area.

RESPECTFUL WORKPLACE POLICY

In consultation with the Court, the Respectful Workplace Subcommittee developed recommendations and a new policy that builds on the Court’s previous respectful workplace policy. The Court approved the new Respectful Workplace Policy at its Fall 2023 Court Meeting.

COURTHOUSE RENOVATIONS

The government is pursuing projects to allow several areas of the Vancouver Law Courts to be renovated or refreshed, including Courtroom 60 (where the Court of Appeal sits regularly). These projects remain in their early stages, but the Planning and Technology Committees are overseeing the work on behalf of the Court of Appeal.

CANADIAN JUDICIAL COUNCIL BULK ACCESS PILOT PROJECT

The Committee oversaw the Court of Appeal’s participation in a pilot project with CanLII for providing bulk access to court information.



In 2023, the Court referred 229 self-represented litigants to Access Pro Bono (185 to appellants and 44 to respondents).

ACCESS PRO BONO SELF-REPRESENTED LITIGANTS PROGRAM

In 2020, the Court began a new program to address the needs of self-represented litigants in civil appeals in partnership with [Access Pro Bono](#). Access Pro Bono is an organization through which pro bono lawyers provide free legal advice and representation to low- and modest-income individuals on a wide range of legal issues.

In 2023, the Court referred 229 self-represented litigants to Access Pro Bono (185 to appellants and 44 to respondents). Referral counsel received 78 inquiries from self-represented litigants in response to those offers. Forty-one litigants then received services from pro bono lawyers, including 28 litigants who received pro bono representation services before the Court of Appeal, and one who received a referral to a lawyer with significantly reduced fees, so called “low bono” services. The lawyers who volunteered their time to take appeals involving self-represented litigants in 2023 were:

Trevor Bant	Jeff Hernaez	Brogan Pastro
Gordon Behan	Claire Hunter, K.C.	Tom Posyniak
Jake Cabbot	Amanda James	Neesha Rao
Hilary Chu	Elizabeth Janzen	Cody Reedman
Carina Chu	Ian Knapp	Julia Riddle
Alison Colpitts	Ouran Li	Paul S. Jon
Allyse Cruise	Jessica Lithwick	Jordan Schultz
Maryanna Dinh	Kathryn McGoldrick	Jeremy Shragge
Heather Doi	Peter Mennie	Mark Skorah, K.C.
Deven Eeg	Kaleigh Milinazzo	Maria Sokolova
Abrisham Eshghi	Roy Millen	Taylor Stone
Mitchell Ferreira	Lia Moody	Stephanie Street
Robert Fischer	Amy Mortimore	Kayla Strong
Malcolm Funt	Nathan Muirhead	Eileen Vanderburgh
Sean Gallagher	Farid Muttalib	Jasmeet Wahid



The services of these lawyers who act in an advisory capacity, pro bono capacity, or with greatly reduced fees is a valuable service to the Court and the public for which the Court expresses its sincere appreciation.

Courtney Gibbons	Haoyou Nie	Stacey Waterman
Adam Goldenberg	Matthew Nied	Nathan Wells
Cyrus Haghighi	Caitlin Ohama-Darcus	David Wu
Stephanie Hamilton	Maya Ollek	Nerissa Yan
Emily Hansen	James Parker	

As part of the new program, a list of mentorship counsel was created to give less experienced lawyers advice and assistance on the conduct of appeals taken through the new program. The Court would like to thank the following lawyers for their help mentoring their colleagues in the Court:

barb findlay, K.C.	Richard Lindsay, K.C.
The Honourable Edward Chiasson, K.C.	The Honourable Kenneth Mackenzie, K.C.
Vincent Critchley	Richard Margetts, K.C.
The Honourable Thomas Cromwell, K.C.	Joe McArthur
Tim Delaney	Jacqueline McQueen, K.C.
John Dives, K.C.	The Honourable Kathryn Neilson, K.C.
Patrick Foy, K.C.	The Honourable Robert Sewell, K.C.
The Honourable Nicole Garson, K.C.	William Storey
Andrew Gay, K.C.	The Honourable Kenneth Smith, K.C.
Randy Kaardal, K.C.	Martin Taylor, K.C.

Finally, the Court would like to thank the members of the legal community who provided training sessions to counsel on the conduct of an appeal.

Last year, we hosted one training session with Registrar Outerbridge and Claire Hunter, K.C. as presenters.

The services of these lawyers who act in an advisory capacity, pro bono capacity, or with greatly reduced fees is a valuable service to the Court and the public for which the Court expresses its sincere appreciation.



The transition to the new Act and Rules, which came into force on July 18, 2022, has gone well and garnered positive feedback overall.

RULES AND PRACTICE COMMITTEE

MEMBERS

The Honourable Chief Justice Bauman (until October 1, 2023)
The Honourable Chief Justice Marchand (from December 7, 2023)
The Honourable Mr. Justice Groberman
The Honourable Mr. Justice Willcock
The Honourable Madam Justice Fisher (Chair)
The Honourable Mr. Justice Abrioux
The Honourable Justice Horsman
Timothy Outerbridge, Registrar
Shirley Smiley, Legal Counsel
Tasneem Karbani, Legal Counsel

The mandate of the Court of Appeal Rules and Practice Committee is to review, enhance, and simplify the practice and procedure of the Court. The Committee meets regularly throughout the year to discuss proposals by the justices of the Court, the Registrar, lawyers, and the public for amendments to the *Court of Appeal Act* (the “Act”), the *Court of Appeal Rules*, and the *Court of Appeal Criminal Appeal Rules, 1986* (together, the “Rules”). The Committee consults with members of the bar and other organizations, such as the Canadian Bar Association, when there is a proposal that would significantly change the Court’s practice and procedure.

The following matters were considered in 2023:

RULES REFORM PROJECT

The transition to the new *Act* and *Rules*, which came into force on July 18, 2022, has gone well and garnered positive feedback overall. The Committee worked on additional amendments to the *Rules* to provide greater clarity on the appeals process and to correspond to wording in the *Act*. These minor amendments to the *Rules* as well as updates to a number of court forms came into force on November 27, 2023 (OIC 631/2023).

CRIMINAL ADVISORY COMMITTEE

The Court’s Criminal Advisory Committee met in October 2023. The issues discussed included the Criminal Rules Revision Project, the significant drop in new criminal appeals filed from 2008 to 2022,

delays in the release of the trial court's rulings and judgments, delays in transcription work, criminal case management, and the use of e-filings in criminal appeals.

NOTICES AND PRACTICE DIRECTIVES UPDATED

The Court updated two civil and criminal practice directives: *Appearing Before the Court* (March 14, 2023) and *Publication Bans, Sealing Orders, and Anonymization Orders* (December 20, 2023).

TECHNOLOGY COMMITTEE

MEMBERS

The Honourable Chief Justice Bauman (*ex officio*)
The Honourable Mr. Justice Groberman
The Honourable Mr. Justice Hunter (Chair)
The Honourable Justice Griffin
Timothy Outerbridge, Registrar
Heidi McBride, Executive Director and Senior Counsel
Shirley Smiley, Legal Counsel
Christine Gergich, Appellate Court Records Officer
Ryan Wirth, Director, Information Technology

The Court of Appeal Technology Committee supervises projects meant to enhance the use of technology in the Court of Appeal. The following matters were considered in 2023:

ONLINE BOOKING OF CHAMBERS

Given the success of the Court's program to allow for online booking of appeals in April 2021, the Court has continued a project to allow for the online booking of chambers applications. It is expected that the online booking of chambers applications will be available in 2024.

UPDATES TO CASE MANAGEMENT SYSTEM

The Court continues to pursue updates to its case management system, WebCATS. In 2023, with the aid of a consultant, the Court conducted a series of internal surveys of staff and judges to determine levels of satisfaction with the system and to highlight areas for improvement. It is expected this project will continue in 2024, and result in recommendations for improvements to the system.

COURTROOM UPDATES

Throughout 2023, architects and consultants were engaged by government to facilitate the updates to Courtroom 60 described in the 2022 Annual Report. A series of conceptual designs were presented to and approved by the Committee and the Court. It is expected that this project will move forward in 2024.



The Court piloted a system for electronic signatures in 2023 and the Court will begin signing more of its reasons for judgment and orders electronically in 2024.

ELECTRONIC SIGNATURES

The Court piloted a system for electronic signatures in 2023 and the Court will begin signing more of its reasons for judgment and orders electronically in 2024. The project includes two-factor authentication practices and a way of proving the authenticity of the signature, which is far more secure than a physical “wet” signature.

ARTIFICIAL INTELLIGENCE

The Court considered recent developments in artificial intelligence and agreed to monitor further developments in the coming months, including the Law Society of British Columbia’s response to the use of Large Language Models (LLMs) and other applications.

BROADCASTING

The Court continues its project to enhance the existing broadcasts of appeals. While the Court awaits a more sophisticated setup for its broadcasts, it continues to improve the quality of the broadcast wherever possible, including improving camera placement and audio.

COURTS TECHNOLOGY BOARD

The Courts Technology Board is designed to foster and strengthen the sharing of technology initiatives, innovation, and information between the judiciary, the Court Services Branch, and the Ministry of Justice, as well as to identify and plan how to address various technological needs. The Board met three times in 2023—in March, June, and September—to discuss ongoing projects similar in nature to those reported in 2022.

ENHANCEMENTS TO WEBCATS

As discussed above, WebCATS is the Court of Appeal’s electronic case management system. Every year, a number of improvements are made in response to user feedback to ensure the system meets the demands of the Court, the Registry, and the public. In 2023, there were several major releases and discrete enhancements made to WebCATS by the information technology team, many in response to the new *Act* and *Rules*. The following enhancements were the most significant:

- Enhancements related to “*in-camera*” hearings;
- Enhancements related to broadcasting, including changes to the internal and external tracking of broadcasts;
- Internal enhancements to WebCATS allowing for greater visibility of publication bans or sealing orders;
- Changes to the management of the inactive list under Rule 50(1)(a); and,

- Enhancements to online booking for appeal hearings. Changes to accommodate greater separation of BC Court of Appeal hearings from Yukon Court of Appeal hearings.

EDUCATION COMMITTEE

MEMBERS

The Honourable Chief Justice Marchand
The Honourable Mr. Justice Abrioux (Chair)
The Honourable Madam Justice DeWitt-Van Oosten
The Honourable Mr. Justice Grauer
Tasneem Karbani, Legal Counsel

The Education Committee is responsible for presenting education programs to the judges of the Court in furtherance of the objectives identified in the Canadian Judicial Council Professional Development Policies and Guidelines. The Canadian Judicial Council has recognized that judicial education demands a three-dimensional approach encompassing: (a) substantive content; (b) skills development; and (c) social context awareness. The policy recognizes that individual judges are accountable for their own ongoing professional development. Members of the Court have attended a wide range of educational programs offered by the National Judicial Institute, the Canadian Institute for the Administration of Justice, the Federation of Law Societies, the Continuing Legal Education Society of British Columbia (CLE), the Canadian Bar Association, and university law faculties.

Members of the Committee and Justices of the Court of Appeal serve as Directors of the Canadian Institute for the Administration of Justice and the Justice Education Society, and as instructors and speakers at their programs and the programs of the National Judicial Institute. Members of the Court have also served on the editorial boards and as contributors to the publications of the Continuing Legal Education Society of British Columbia and as instructors at CLEBC courses. They also assist law faculties with their mooted programs and participate as judges at BC and national mooted competitions.

The Education Committee seeks to assist the Court by identifying and organizing educational opportunities. The Committee also annually reviews and edits the Court's manuals of appellate practice and procedures. This report is not an account of the various educational programs in which members of the Court have participated but is an outline of the Committee's work.

In 2023, the Committee organized the following educational programs:

- 18 January 2023 Critical Race Theory and Judicial Reasoning
Professor Joshua Sealy-Harrington (Lincoln Alexander School of Law, Toronto Metropolitan University)

- 15 February 2023 Race and the Application of Critical Race Theory in Canada
Dr. Rachel B. Zellars (Saint Mary's University)
- 15 March 2023 Class Action Proceedings
Justice Paul Perell (Ontario Superior Court of Justice)
- 4 April 2023 Developments in Public Liability and Nuisance
Professor Lewis Klar
- 12 May 2023 Presentation by Afghani Judges
Four Afghani women judges presented to the Court on their work in Afghanistan
- 13 September 2023 Artificial Intelligence / Court of Appeal Act and Rules
Registrar Timothy Outerbridge
- 11 October 2023 Family Law Update
Justice Butler (BC Court of Appeal)
- 3 November 2023 The UN Declaration on the Rights of Indigenous Peoples
Professor Sarah Morales (University of Victoria)
- 14 December 2023 Section 24(2) in the Trial Courts
Professor Steven Penney (University of Alberta)



The Committee was involved in, and supportive of, ongoing work to expand electronic document management, electronic filing of documents, and online booking in both the Court of Appeal and Supreme Court.

JOINT COURTS TECHNOLOGY COMMITTEE

MEMBERS

The Honourable Mr. Justice Hunter
The Honourable Mr. Justice Masuhara (Chair)
The Honourable Justice Branch
The Honourable Justice Edelman
The Honourable Justice Myers
The Honourable Madam Justice Fitzpatrick
The Honourable Justice Punnett (until end of November 2023)
Associate Judge Nielsen
Timothy Outerbridge, Registrar, Court of Appeal
Heidi McBride, Executive Director & Senior Counsel
Cindy Friesen, Director, Supreme Court Scheduling
Ryan Wirth, Director, Information Technology
Brenda Belak, Legal Counsel (until end of June 2023)
Line B. Williams, Legal Counsel (as of July 2023)

MANDATE OF THE COMMITTEE

The Committee's mandate is to review developments in technology and their impacts on the work of the Court of Appeal and the Supreme Court.

WORK OF THE COMMITTEE

In 2023, the Committee considered the impacts of the rapid development and expansion of functionality of artificial intelligence and, specifically, large language models on the Courts' work. The Committee is concerned about professional and ethical issues arising with the use of AI-based tools.

The Committee continued to be involved in supporting the move to a new VOIP phone system for the judiciary and judicial staff, which provides high quality audio that is easily incorporated into the Courts' infrastructure. Work is also ongoing to upgrade computer screens for the judiciary.

The Committee was involved in, and supportive of, ongoing work to expand electronic document management, electronic filing of documents, and online booking in both the Court of Appeal and Supreme Court. Following strong public support, the Court of Appeal returned to broadcasting appeals publicly by Zoom on January 3, 2023.

In collaboration with Court Services Branch, the Supreme Court expanded the Associate Judges Chambers Pilot Project to all registries outside Vancouver with associate judge sittings, except for



*The Committee was involved in a **pilot project on digital signatures** being trialed in the Court of Appeal.*

Vancouver Law Courts, in 2023. The Project permits electronic submission of application records for applications scheduled for 30 minutes or less in associate judges' chambers.

The Committee was involved in a pilot project on digital signatures being trialed in the Court of Appeal. If successful, the pilot will be expanded to the Supreme Court to further evaluate the use of digital signatures.

Work is ongoing through Court Services Branch to update microphones in courtrooms to improve audio recordings.

JUDICIAL ACCESS POLICY WORKING COMMITTEE

MEMBERS

Shirley Smiley, Legal Counsel, Court of Appeal (Chair)

Leah Pence, Legal Counsel, Supreme Court

Karen Leung, Legal Counsel, Provincial Court

Trevor Fik, Legal Counsel, Provincial Court

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

Dan Chiddell, Executive Director, Corporate Support, Court Services Branch (CSB)

Stephanie Delacretaz, Director, Strategic Information & Business Applications, Corporate Support, CSB

Erin Turner, Director, Policy, Legislation and Planning, Policy and Service Reform Unit, CSB (leave, June - Dec)

Shelley Gin, Senior Policy Analyst, Policy, Legislation and Planning, Policy and Service Reform Unit, CSB (acting, June - Dec)

Robert Richardson, Secretariat and Senior Policy Analyst, Policy, Legislation and Planning, Policy and Service Reform Unit, CSB

Margot Tubman, Consultant to Court Services Branch

The Chief Justices and Chief Judge of British Columbia's courts have responsibility for the supervision and control of court records and judicial administration records. The Judicial Access Policy Working Committee (APWC) is a joint committee consisting of representatives from all three courts and Court Services Branch employees. The APWC reviews applications for bulk and/or electronic access to court record information.

The APWC is not a decision making-body, but rather a review and discussion forum for judicial representatives and CSB senior staff involved in policy, legislation, data custodianship, statistics and court systems management. Final decisions on access applications made to the APWC for access to court records or court record information are made by the judiciary and communicated to the applicant through the APWC.

In addition, the APWC develops and revises policies relating to access to court records, particularly those in bulk and electronic format, and seeks guidance and approval for such policies. The Chief Justices and Chief Judge give approval before a policy is adopted.



In 2023, the APWC reviewed and updated its protocols and processes for logging and tracking applications as well as existing access agreements.

In 2023, the work of the APWC included the following:

ACCESS APPLICATIONS

In 2023, the APWC received, considered, and made recommendations in respect of applications for access to court record information from a variety of government, public and private agencies and departments related to their statutory mandates, operations, or legal research and analysis services. The Three Courts Policy on Bulk and Electronic Access to Court Records, approved in September 2021, guided consideration of these requests. The policy describes protocols for administering bulk access to court records and electronic information that is not available at the registry counter. Access agreements were created for applications approved by the judiciary.

POLICY WORK

In 2023, the APWC reviewed and updated its protocols and processes for logging and tracking applications as well as existing access agreements. Members of the Committee also contributed to the Canadian Judicial Council's Pilot Project on bulk access to published reasons for judgment.



The Committee continued its practice of completing all interviews by videoconference, regardless of place of residence, having found that this process ensures a more consistent and equitable interview experience.

LAW CLERK COMMITTEE

MEMBERS

The Honourable Madam Justice Newbury (retired from Committee June 2023)

The Honourable Mr. Justice Fitch (Chair until June 2023, retired from Committee June 2023)

The Honourable Madam Justice Fisher (Chair beginning June 2023)

The Honourable Justice Griffin (beginning June 2023)

The Honourable Mr. Justice Butler

The Honourable Mr. Justice Voith (beginning June 2023)

Sally Rudolf, Legal Counsel

Shirley Smiley, Legal Counsel

The Law Clerk Committee supervises and provides policy support related to the Court of Appeal’s judicial law clerk program. Legal counsel manage and supervise law clerks day-to-day and provide outreach, hiring, and training support. One of the Committee’s main tasks is to interview candidates for selection as judicial law clerks following a first round of interviews conducted by legal counsel for the Court of Appeal and the Supreme Court.

In January 2023, the judicial law clerk program received 151 applications for 33 law clerk positions at both courts for the 2024–2025 term (12 positions at the Court of Appeal and 21 at the Supreme Court). The majority of applicants attended law school in British Columbia at Allard Hall, the University of Victoria, or Thompson Rivers University. Applications were also received from students trained across Canada and internationally. In February, legal counsel completed first interviews with 36 students. In early March, judicial members of the Law Clerks Committee interviewed 24 shortlisted applicants, and selected 12 law clerks (from UBC, UVic, TRU, U of T, Dalhousie, and Yale). The Committee continued its practice of completing all interviews by videoconference, regardless of place of residence, having found that this process ensures a more consistent and equitable interview experience.

In the fall of 2023, judicial law clerk program applicants could view up-to-date recruitment information online, including an updated informational video. In October and November, the Court provided in-person information sessions for law students at Allard Hall, UVic, and TRU. The Court also facilitated online information sessions for law students who identify as Indigenous, 2SLGBTQIA+, Asian, and Black.

The Committee thanks legal counsel Sally Rudolf, Shirley Smiley, and Jennifer Millerd, as well as Kristine Dhamrait, Queen Lee, and Ethan McMullan for their assistance and administrative support.

LIBRARY COMMITTEE

MEMBERS

The Honourable Madam Justice Ker (Chair)

The Honourable Justice Skolrood

The Honourable Mr. Justice Edelman

Sylvia Ranspach, Head Librarian

Heidi McBride, Executive Director & Senior Counsel

In 2023, library staff, under the leadership of head librarian Sylvia Ranspach, advanced a number of key projects, including implementing a new SharePoint library site and updated library catalogue, developing subject matter resource guides, working with legal publishers, and redirecting budget funds to continue the transition from print to electronic resources. Ms. Ranspach also continues to provide regular training to judges, law clerks, and other judicial staff. The Library also continues to cull old and unused print volumes from various courthouses. Throughout the summer, our co-op student, Shelby Colling, catalogued historical photographs and assisted with the Judicial History Project.

The judiciary continues to be very well served by Ms. Ranspach, along with library technician, Connie Kang.

MEMBERS OF THE COURT OF APPEAL

CHIEF JUSTICE OF BRITISH COLUMBIA

Chief Justice Leonard Marchand

- September 3, 2013 (Provincial Court)
- June 21, 2017 (Supreme Court)
- March 24, 2021 (Court of Appeal)
- December 7, 2023 (Chief Justice of British Columbia)

Chief Justice Robert James Bauman

- June 20, 1996 (Supreme Court)
- February 20, 2008 (Court of Appeal)
- September 9, 2009 (Chief Justice Supreme Court)
- June 16, 2013 (Chief Justice of British Columbia)
- October 1, 2023 (Retired)

JUSTICES OF THE COURT OF APPEAL

Madam Justice Mary V. Newbury

- July 9, 1991 (Supreme Court)
- September 26, 1995 (Court of Appeal)
- January 1, 2019 (Supernumerary)

Madam Justice Mary E. Saunders

- December 23, 1991 (Supreme Court)
- July 1, 1999 (Court of Appeal)
- January 1, 2022 (Supernumerary)

Mr. Justice S. David Frankel

- March 2, 2007 (Supreme Court)
- May 10, 2007 (Court of Appeal)
- April 1, 2019 (Supernumerary)
- August 31, 2023 (Retired)

Mr. Justice Harvey M. Groberman

- December 14, 2001 (Supreme Court)
- May 8, 2008 (Court of Appeal)
- February 1, 2021 (Supernumerary)

Madam Justice Elizabeth A. Bennett

- August 27, 1997 (Supreme Court)
- May 14, 2009 (Court of Appeal)
- February 1, 2017 (Supernumerary)

Justice Anne W. MacKenzie

- July 5, 1990 (Provincial Court)
- June 20, 1996 (Supreme Court)
- April 23, 2010 (Associate Chief Justice Supreme Court)
- December 31, 2011 (Court of Appeal)
- November 30, 2014 (Supernumerary)

Mr. Justice David C. Harris

- March 19, 2010 (Supreme Court)
- April 5, 2012 (Court of Appeal)

Madam Justice Sunni Stromberg-Stein

- December 4, 1989 (Provincial Court)
- February 16, 1996 (Supreme Court)
- June 6, 2013 (Court of Appeal)
- September 1, 2014 (Supernumerary)

Mr. Justice Peter M. Willcock

- June 19, 2009 (Supreme Court)
- June 6, 2013 (Court of Appeal)

Mr. Justice Richard B.T. Goepel

- September 27, 2001 (Supreme Court)
- November 7, 2013 (Court of Appeal)
- September 30, 2016 (Supernumerary)
- August 23, 2022 (Retired)

Madam Justice Lauri Ann Fenlon

- January 31, 2008 (Supreme Court)
- June 19, 2015 (Court of Appeal)

Justice Gail M. Dickson

- December 15, 2006 (Supreme Court)
- July 28, 2015 (Court of Appeal)
- December 1, 2022 (Supernumerary)

Mr. Justice Gregory J. Fitch

- October 20, 2011 (Supreme Court)
- September 1, 2015 (Court of Appeal)

Mr. Justice John J.L. Hunter

- April 12, 2017 (Court of Appeal)

Madam Justice Barbara L. Fisher

- November 26, 2004 (Supreme Court)
- September 15, 2017 (Court of Appeal)
- January 2, 2020 (Supernumerary)

Justice Susan A. Griffin

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

Mr. Justice G. Bruce Butler

- March 30, 2007 (Supreme Court)
- August 29, 2018 (Court of Appeal)
- April 1, 2022 (Supernumerary)

Mr. Justice Patrice Abrioux

- September 30, 2011 (Supreme Court)
- March 7, 2019 (Court of Appeal)

Madam Justice M. Joyce DeWitt-Van Oosten

- October 20, 2016 (Supreme Court)
- May 6, 2019 (Court of Appeal)

Mr. Justice J. Christopher Grauer

- April 11, 2008 (Supreme Court)
- December 20, 2019 (Court of Appeal)
- January 1, 2023 (Supernumerary)

Mr. Justice Peter G. Voith

- January 22, 2009 (Supreme Court)
- September 9, 2020 (Court of Appeal)

Justice Karen Horsman

- August 31, 2018 (Supreme Court)
- April 20, 2022 (Court of Appeal)

Justice Ronald A. Skolrood

- June 7, 2013 (Supreme Court)
- October 24, 2022 (Court of Appeal)

Justice Janet Winteringham

- August 15, 2017 (Supreme Court)
- December 4, 2023 (Court of Appeal)



Chief Justice Marchand dedicated a substantial portion of his legal career to advancing reconciliation for Indigenous people.

CHANGES TO THE COURT’S COMPLEMENT

The Court began 2023 with one vacancy created by the supernumerary election of Justice Dickson. Two additional vacancies were created with the elevation of Chief Justice Marchand and the election to supernumerary status of Justice Grauer. One vacancy was filled during the year by the appointment of Justice Winteringham.

APPOINTMENTS

The Honourable Chief Justice Leonard S. Marchand

The Honourable Chief Justice Leonard S. Marchand was appointed Chief Justice of the Court of Appeal for British Columbia and the Court of Appeal of Yukon on December 7, 2023. He previously served on all levels of court in British Columbia, having been appointed to the Provincial Court in 2013, the Supreme Court in 2017, and the Court of Appeal in 2021. Chief Justice Marchand served as a Supreme Court Justice and a Provincial Court Judge in Kamloops, where he grew up. He is Syilx and a member of the Okanagan Indian Band.

After obtaining a Bachelor of Applied Science in chemical engineering at the University of British Columbia in 1986, Chief Justice Marchand worked in the oil industry for five years. He then began his legal studies in Victoria, graduating in 1994. He articulated and practiced law at Fulton & Company LLP in Kamloops from 1994 to 2013, appearing before all levels of court in British Columbia and many administrative tribunals. His practice focused on the liability of public authorities.

Chief Justice Marchand dedicated a substantial portion of his legal career to advancing reconciliation for Indigenous people. This work included pursuing civil claims for abuses suffered at residential schools, negotiating the Indian Residential Schools Settlement Agreement and establishing the Independent Assessment Process. He served on the Oversight Committee for the Independent Assessment Process and on the Selection Committee for the Truth and Reconciliation Commission.

At all stages of his career, Chief Justice Marchand has been a deeply respected leader. As a judge he emphasizes the importance of plain-language writing and a compassionate demeanor on the bench. The Court welcomes him as Chief Justice and looks forward to the benefit of his experience and guidance in the years ahead.



*In addition to her work as counsel and as a judge, Justice Winteringham has made **significant contributions to legal education and mentorship.***

The Honourable Justice Janet Winteringham

The Honourable Justice Janet Winteringham was appointed to the Court of Appeal for British Columbia on December 4, 2023. She was previously appointed to the Supreme Court of British Columbia on August 15, 2017.

Justice Winteringham grew up in Burnaby, British Columbia. In 1987, she earned her Bachelor of Arts from Simon Fraser University, majoring in Criminology. She then earned her L.L.B. from the University of British Columbia, graduating in 1991.

Justice Winteringham began her career practicing civil litigation, before pursuing her interest in criminal and constitutional litigation. This culminated in her opening her own law firm, Winteringham MacKay, where she took on criminal, civil, and constitutional cases. In addition to her criminal defence practice, Justice Winteringham acted as an *ad hoc* special prosecutor for the Provincial Crown. Justice Winteringham was a celebrated and accomplished lawyer, who was been involved in several landmark cases involving criminal and constitutional law. She was appointed King's Counsel in 2009.

In addition to her work as counsel and as a judge, Justice Winteringham has made significant contributions to legal education and mentorship. She has been a frequent lecturer for Continuing Legal Education British Columbia, the Canadian Bar Association, and the B.C. Civil Liberties Association, focusing on advocacy skills, as well as criminal and constitutional law. Justice Winteringham acted as an adjunct professor at the University of British Columbia in its trial advocacy course, and presented at the Inns of Court Program. She has also travelled to Addis Ababa, Ethiopia to help train judges, prosecutors, police, and public defenders on investigation, prosecution, and trial advocacy in the context of gender-based criminal offences. The Court of Appeal welcomes her appointment.



Chief Justice Bauman is remembered for his concise writing, passion for access to justice, and steadfast dedication to the betterment of the Courts in British Columbia and Yukon.

RETIREMENTS

The Honourable Chief Justice Robert J. Bauman

The Honourable Chief Justice Robert Bauman retired from the Court of Appeal for British Columbia and the Court of Appeal of Yukon on October 1, 2023. He served as a Chief Justice in British Columbia for almost 14 years, first as Chief Justice for the Supreme Court from 2009–2013, and then as Chief Justice for the Court of Appeal.

Chief Justice Bauman was raised in Toronto and Montreal. He obtained his undergraduate degree from the University of Western Ontario before completing his law degree at the University of Toronto, where he graduated with the silver medal. He went on to article and become a partner at Wilson King in Prince George. Later, he co-founded the law firm of Wilson Bauman, where he specialized in municipal law. In 1982, Chief Justice Bauman moved to Vancouver and joined Bull, Housser and Tupper. He became a partner and specialized in municipal, regulatory and administrative law. He was appointed a judge of the Supreme Court of British Columbia in 1996, and a judge of the Court of Appeal for British Columbia in 2008.

Chief Justice Bauman is well known for his contributions to Access to Justice in British Columbia. During his tenure, he established the British Columbia Access to Justice Committee, which he chaired until his retirement. He believed that important work needed to be done so that ordinary people could access the promise of the rule of law and enjoy its benefits.

Chief Justice Bauman is remembered for his concise writing, passion for access to justice, and steadfast dedication to the betterment of the Courts in British Columbia and Yukon. The Court wishes him many years of well-deserved retirement with his wife of over 50 years, Sue Hadgraft, his sons, Rob and Dave, and his grandson Jackson.

The Honourable Mr. Justice S. David Frankel

The Honourable Mr. Justice S. David Frankel retired from the Court of Appeal for British Columbia and the Court of Appeal of Yukon on September 1, 2023. He served as a justice of the Court of Appeal for 16 years, having been appointed to our Court on May 10, 2007, shortly after his appointment to the Supreme Court of British Columbia on March 2, 2007. It is thought that Justice Frankel holds the record for the speed of his translation between the two courts.

Justice Frankel was born in Winnipeg, attended school in Calgary, and completed his high school education at Vancouver's Sir Winston Churchill Secondary School. He obtained a Bachelor of Science and



Justice Frankel is known for his encyclopedic memory, his natural gift for storytelling, and his willingness to provide carefully considered and helpful advice.

then his law degree from the University of British Columbia in 1973. He articulated with Guild Yule, a firm known for its output of future judges, before joining the criminal prosecutions section of the Department of Justice, where he became Senior General Counsel for the BC Region in 1990.

A leading criminal appellate counsel and an influential figure in the development of the criminal law, Justice Frankel's specialist areas included the *Charter*, search and seizure, wiretaps, and conspiracy. He was counsel on more than 60 cases heard by the Supreme Court of Canada. He was appointed a Q.C. in 1988, and inducted as a Fellow of the American College of Trial Lawyers in 2005.

Justice Frankel is known for his encyclopedic memory, his natural gift for storytelling, and his willingness to provide carefully considered and helpful advice. He taught criminal procedure at UBC for over 20 years, for which he was awarded the inaugural UBC Law School Adjunct Professor Outstanding Service Award in 2004. He participated in the Inns of Court program, teaching ethical and professional responsibilities. As a lawyer, he was known for his generosity in providing mentorship. His time on the Court has been similarly marked by his mentorship, his work ethic, and the depth of his judgments.

In his free time, Justice Frankel is a keen follower of many sports teams; his fervour for the Seattle Seahawks is both well-known and evident from his office decor.

Throughout his career, Justice Frankel has been surrounded by a loving family. His late wife Rhoda was a cherished support throughout much of his career as a lawyer. He later married his wonderful partner Ethel who has supported him as a judge and will share so closely in his retirement.

In practice, Justice Frankel's car license plate was "ADVOC8", and since his appointment to this Court, it has been "APPELL8". Perhaps he will now consider changing it to "LIBER8D". The Court wishes Justice Frankel many years of happy, restful retirement with Ethel and his step-children Brent and Denise.

STAFF OF THE COURT OF APPEAL

CHANGES TO STAFFING COMPLEMENT

The Court of Appeal Registry welcomed a new manager in 2023, Shelly Lin. Ms. Lin first joined the Court Services Branch in 2013 as a registry clerk at the Provincial Court Traffic & Youth Criminal Registry. Michael Chu was the successful candidate for the new position of registry supervisor. Mr. Chu first joined the Court Services Branch in 2018 as a clerk in the Court of Appeal.

STAFF & POSITIONS

Timothy Outerbridge	Registrar
Sally Rudolf	Legal Counsel
Shirley Smiley	Legal Counsel
Linda Rainaldi	Legal Counsel
Tasneem Karbani	Legal Counsel
Maria Littlejohn	Associate Registrar
Shelly Lin	Registry Manager
Torri Enderton	Deputy Registrar
Michael Chu	Registry Supervisor
Kristine Dhamrait	Senior Executive Assistant
Teresa Smith	Judicial Coordinator to Chief Justice Marchand
Christine Gergich	Supervisor and Appellate Court Records Officer

Judicial Law Clerks

Jasmine Law	Lindsay Morgan	Amit Singh
Simon Lusztig	Hilary Mutch	Jordan Yonge
Isabelle MacLean	Sean Price	Meghan Zhang
Liam McDonald	Jolene Sanderson	
Caroline Monahan	Sarah Shin	

Judicial Staff

Shayla Burke	Karen Gurney	Jane Raggatt
Isis Chan	Lee-Ann Jacobson	Claudia Turner
Tina Cheung	Michelle McNeill	Jocelyn Ward
Kathy Cook	Lana Pardue	Wayne Ziants
Lori Gerbig	Harmesh Shahi	
Marija Grasa	Sandra Skene	

Registry Staff

Hannah Allen	Steven Evans	Andrea Morrison
Jade Gallnut	Nicki Flynn	Veronica Nguyen
Helen Banh	Taira Johnson	Anna Puscar
Ann Bulloch	Sakurako Liu	Merrill Sandell
Eunice Choi	Robert Loy	Tiffany Smith
Jason Conybeer	Alexandra Lucas	Moira Syring
Lori Derby	Gillian McCowan	Tawnya Watson
Patti Edwards	Abigail Mitro	

Superior Courts Document Management Clerks

Jaspreet Dosanjh	Samuel Fusco Malbeuf	Aaron Wong
Daniel Kuster	Georgina Rodrigues	

Judicial Administration

Heidi McBride	Executive Director & Senior Counsel
Tracy Norman	Manager, Human Resources
Caroline Nguyen	Manager, Finance
Ryan Wirth	Director, Information Technology
Cheryl Steele	Finance, Accounting & Budget Clerk
Michelle Sam	Human Resources Recruitment Coordinator
Andrea Mueller	Office Manager
Charles Manuel	Human Resources Coordinator
Ethan McMullan	Office Assistant
Ryan Jongenburger	Facilities Officer
Sylvia Ranspach	Judges' Librarian
Connie Kang	Library Technician
Shelby Colling	Library Co-op Student
Cynthia Dale	Website Support & Business Information Analyst
Diana Foxall	Communications Coordinator
Simran Singara	Finance, Accounting & Budget Clerk
Gurjot Kaur	Finance, Accounting & Budget Clerk

Information Technology Services

Lawrence Ho	Service Delivery Manager
David Chow	Infrastructure Project Analyst
Billy Huang	Infrastructure Project Analyst
William Huang	Helpdesk Operations Analyst
Priya Bageja	Helpdesk Technician
Guilherme Gianjope	Helpdesk Technician
Mike Larm	Helpdesk Technician
Ami Osame	Helpdesk Technician
Wayland Szeto	Helpdesk Technician

Lorne Lovett

Senior Business Analyst/Project Manager

Joanne Chong

Senior Business Analyst

Jojo Ho

Senior Software Developer

APPENDIX 1 - CIVIL STATISTICS 2011–2023

	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
APPEALS FILED:													
Notice of Appeal	480	497	587	607	522	514	484	513	515	400	580	595	540
Leave to Appeal	114	122	100	88	96	84	149	86	115	79	97	89	110
Notice of Appeal & Leave	55	44	28	25	26	25	9	6	3	5	1	- ¹	
TOTAL FILED	649	663	715	720	644	623	642	605	633	484	678	684	650
COURT DISPOSITIONS:													
Appeals Allowed	116	119	101	101	130	117	112	104	97	87	114	131	91
Appeals Allowed %	42%	49%	37%	40%	50%	41%	40%	40%	42%	46%	44%	48%	31%
Appeals Dismissed	159	125	169	149	131	169	168	155	134	102	147	141	198
Appeals Dismissed %	58%	51%	63%	60%	50%	59%	60%	60%	58%	54%	56%	52%	69%
TOTAL COURT DISPOSITIONS	275	244	270	250	261	286	280	259	231	189	261	272	289
Appeals Concluded in Chambers or Abandoned	436	414	379	420	359	371	348	346	318	208	379	352	240
TOTAL DISPOSITIONS	711	658	649	670	620	657	628	605	549	397	640	624	529
Dispositions as % of New Appeals Filed	110%	100%	91%	93%	96%	106%	98%	100%	87%	82%	94%	91%	81%
Judgments Reserved (Court)	241	176	201	199	209	226	169	186	171	145	200	255	233
Judgments Reserved (Chambers)	83	80	70	52	70	104	37	32	61	51	65	67	40
Appeals with 5 Justices	3	2	2	3	3	4	4	1	1	1	1	6	2
Court Applications: Reviews	28	19	18	16	26	17	19	22	12	13	19	11	12
Court Applications Granted	8	3	1	2	1	1	2	2	2	3	0	0	0
Court Applications Refused	20	16	17	14	25	16	17	20	10	10	19	11	12
Chambers Applications	537	533	536	788	639	719	597	676	846	517	697	641	522
LEAVE TO APPEAL:													
Granted	51	37	37	36	50	36	50	43	35	23	36 ²	26	21
Refused	55	34	24	19	23	26	27	25	30	16	24	27	19
Total	106	71	61	55	73	62	77	68	65	39	60³	53	40

¹ In 2022, it became impossible to file both a Notice of Appeal and Leave to Appeal together.

² The 2021 data was corrected to add 18 cases listed under “Directions Given” into the “Granted” category, for a total of 36.

³ The 2021 data was corrected as indicated in the above footnote, resulting in an increase to the total from 42 to 60.

APPENDIX 2 - CRIMINAL STATISTICS 2011–2023

	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
APPEALS FILED:													
Sentence	109	119	108	174	152	85	97	107	90	49	69	47	52
Conviction	112	116	117	87	93	82	95	118	92	56	71	52	57
Summary Conviction	24	14	9	18	10	11	11	10	11	12	7	10	13
Acquittal & Other	39	40	46	30	41	31	43	23	26	12	24	19	22
TOTAL FILED	284	289	280	309	296	209	246	258	219	129	171	128	144
COURT DISPOSITIONS:													
Appeals Allowed	41	35	62	101	44	32	42	30	50	49	38	23	28
Appeals Allowed %	31%	21%	34%	49%	44%	22%	34%	26%	32%	45%	35%	29%	35%
Appeals Dismissed	91	129	121	102	101	114	82	83	104	61	70	55	52
Appeals Dismissed %	69%	79%	66%	51%	56%	78%	66%	74%	68%	55%	65%	71%	65%
TOTAL	132	164	183	203	145	146	124	113	154	110	108	78	80
Summary Dismissals Abandonments in Court/Chambers	99	123	129	76	85	97	111	78	64	55	68	61	62
TOTAL DISPOSITIONS	231	287	312	279	230	243	235	191	218	165	176	139	142
Dispositions as % of New Appeals Filed	82%	99%	111%	90%	78%	116%	96%	74%	100%	128%	103%	109%	99%
Judgments Reserved (Court)	82	102	97	84	106	78	53	76	87	58	75	62	57
Judgments Reserved (Chambers)	22	28	25	4	8	8	4	7	13	7	7	6	7
Appeals with 5 Justices	1	2	0	0	0	0	2	1	0	1	0	0	0
Chambers Applications	210	295	430	438	484	514	583	655	580	466	435	319	257

APPENDIX 3 - COMBINED STATISTICS 2011–2023

	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
APPEALS FILED:	933	952	995	1029	940	832	888	863	852	613	849	812	794
COURT DISPOSITIONS:	407	408	453	453	406	432	404	372	385	299	369	350	369
Appeals Allowed	157	154	163	202	174	149	154	134	147	136	152	154	119
Appeals Allowed %	39%	38%	36%	45%	43%	35%	38%	36%	38%	45%	41%	44%	32%
Appeals Dismissed	250	254	290	251	232	283	250	238	238	163	217	196	250
Appeals Dismissed %	61%	62%	64%	55%	57%	65%	62%	64%	62%	55%	59%	56%	68%
TOTAL	407	408	453	453	406	432	404	372	385	299	369	350	369
Appeals Concluded in Chambers or Abandoned	535	537	508	496	444	468	459	424	382	263	447	413	302
TOTAL DISPOSITIONS	942	945	961	949	850	900	863	796	767	562	816	763	671
Dispositions as % of New Appeals Filed	101%	99%	97%	92%	90%	108%	97%	92%	90%	92%	96%	94%	84%
Judgments Reserved	426	386	393	339	393*	416*	263*	301*	332	261	347*	390	336
Appeals with 5 Justices	4	4	2	3	3	4	6	2	1	2	0	6	2
Chambers Applications	747	828	966	1226	1123	1233	1180	1331	1426	983	1132	960	779

*Data corrected to include Judgments Reserved (Chambers)