

Ministry of Attorney General

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2008/09  
Annual Service Plan Report

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## Message from the Minister and Accountability Statement



The justice system is a vital component of a democratic society and a foundation of a just and prosperous province. The Ministry of Attorney General plays a key role in strengthening this foundation. The Ministry serves the people of British Columbia in the administration and advancement of law and justice. The Attorney General is the chief law officer for the province and the official legal advisor to the Lieutenant Governor and members of Cabinet.

This report summarizes the Ministry's progress and significant work undertaken during the 2008/09 fiscal year toward the goals and objectives identified in the 2008/09 Ministry Service Plan.

I am pleased to present the justice system innovations and reforms undertaken in the past year. The Ministry has implemented a number of projects to increase the accessibility and responsiveness of the justice system. The Nanaimo Justice Access Centre has brought the opportunity for early solutions to those with civil and family justice issues. In the first six months of operation, the Vancouver Community Court dealt with approximately 1,100 offenders, many of whom were connected to health services or received housing. The Ministry is also supporting the fight against gangs and guns; hiring ten new prosecutors to work with the police and prosecute gangs.

These and many other accomplishments are a testament to the dedication and professionalism of those working in the Ministry.

The *Ministry of Attorney General 2008/09 Annual Service Plan Report* compares the actual results to the expected results identified in the Ministry's *2008/09 - 2010/11 Service Plan*. I am accountable for those results as reported.

A handwritten signature in black ink, appearing to read 'Michael de Jong'.

Michael de Jong, Q.C.  
Attorney General and  
Government House Leader

June 26, 2009

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# Highlights of the Year

Highlights of the Ministry of Attorney General's many achievements in 2008/09 include:

## Targeting Gangs and Guns

- **More Prosecutors** - On February 16, 2009, Premier Gordon Campbell announced that 10 new prosecutors will be dedicated to work with the police and prosecute gangs as part of a comprehensive initiative to strengthen B.C.'s fight against gang and gun violence. Additionally, the Province is attempting to strengthen laws, increase penalties, and take away the proceeds of crime.
- **Civil Forfeiture** - The Province's jurisdiction to enact civil forfeiture laws for the purposes of suppressing unlawful activity and to address social costs of crime was affirmed by the Supreme Court of Canada's ruling in a Constitutional challenge to the Ontario *Civil Forfeiture Act*.
- **Reduced Credit for Time Served** - British Columbia worked with the federal government to change the *Criminal Code of Canada* to end the practice of giving offenders in pre-trial detention a credit of two days for every one day spent in custody prior to conviction. The federal government introduced Bill C-25 on March 27, 2009.
- **Organized Crime** - British Columbia worked with the federal government to improve ways of monitoring and controlling individuals associated with organized crime, and to create specific federal offences with appropriate penalties. On February 26, 2009, Bill C-14 was introduced by the federal government to address organized crime violence.
- **Cracking Down on Identity Theft** - Identity theft is a lucrative business for organized crime. British Columbia helped lead efforts to have specific offences in the *Criminal Code* related to identity theft. This was accomplished with the introduction of federal Bill S-4 on March 31, 2009.

**Vancouver's Downtown Community Court** - Opened in September 2008, the Court integrates community social services and health resources with the justice system to address crime in Vancouver's downtown core in a timely and meaningful way. In the first six months, the court dealt with approximately 1,100 offenders, many of whom were connected to health services or received housing. Through its community service programs, the court contributed almost 2,000 hours of work to the community. This pilot project was a finalist for a Premier's Award in Cross-Government Integration.

**Bail Reform** - Two bail reform pilots were implemented this year to test methods to improve efficiency of the criminal justice system. The Bail Reform Project involves providing better access to information to improve the decisions on bail, earlier access to counsel to expedite hearings and using videoconference technology for the interview and hearing process to avoid the necessity of transporting an accused to a Courthouse for a hearing. The two pilots are in the

Peace District (Dawson Creek, Fort Nelson and Fort St. John) which began at the end of October 2008, and in Surrey/Delta which started in January 2009.

**Nanaimo Justice Access Centre** - The centre opened October 30, 2008 to pilot an integrated approach to providing information and services for civil and family justice issues. The centre expands on the services of the Nanaimo Family Justice Services Centre and is operated jointly with the Legal Services Society. This pilot project offers services ranging from assessment, mediation and legal advice to individuals experiencing family and civil law problems. In the first five months of operation, more than 1,737 new clients visited the centre. Roughly 75 per cent of the people who come to the centre are seeking assistance with family law issues such as custody, access or child support disputes. Others are seeking assistance with housing, money, debt and other civil problems.

**Child Protection Mediation** - The Child Protection Mediator Roster now includes fourteen new mediators from Aboriginal communities and remote areas of BC. This will bring services closer to children and families involved in difficult child welfare disputes. The success of the Child Protection Mediation program is due to the partnerships with the Ministry of Children and Family Development, the Dispute Resolution Innovation Society, the BC Mediator Roster Society, the Law Foundation of BC and the Legal Services Society. Several aboriginal organizations are closely involved in the capacity building in the community and include the Carrier Sekane Family Services, Hulitan Family Services, Kla-How-We-Ya and a consortium of delegated aboriginal agencies in the Interior Region.

**Family Maintenance Enforcement** - The payments to parents through the Enforcement Program exceeded \$172 million; this is an increase of almost four per cent from the previous year. The additional \$6 million increase came during a difficult financial year for clients.

*At a Thompson Rivers University job fair a third-year student in the Bachelor of Social Work program came up to the Family Maintenance Enforcement Program table and confidently introduced herself. She said that her mother was enrolled in the program and without the program, she would not be at university.*

**Court Services Online** - Won the Gold Distinction Award at a national government technology conference in the category of Excellence and Innovation in Service Delivery to Citizens. This award identifies the Ministry as a recognized leader in Canada for online service delivery and business transformation.

**Small Claims Court** - Preliminary evaluation of the Small Claims Court pilot projects in Vancouver and Richmond shows a number of positive outcomes for citizens including: reduction in the time it takes to schedule an appearance; improvement in the time to resolve a dispute; decrease in the time spent in court; and greater satisfaction with the speed, expense, and simplicity of the pilot processes.

**E-filing** - The ability to file court documents electronically is now available province-wide. British Columbia is the first province in Canada to fully implement e-filing. This allows anyone

around the province and from anywhere in the world the ability to interact electronically with the B.C. court system, search for court case information or check on the status of their civil case.

**Tobacco Settlement** - In July 2008, the federal government, British Columbia and the other provincial governments reached a national settlement with two Canadian tobacco manufacturers relating to their involvement in illegal smuggling schemes in the early 1990s. The two tobacco manufacturers, Rothmans, Benson & Hedges and Imperial Tobacco Canada Limited, agreed to pay a combination of fines and civil damages in the aggregate amount of \$1.15 billion to compensate governments for lost tax revenue.

# Purpose of Ministry



Vancouver Law Courts

The Attorney General is the law officer of the Crown and has a legal duty to see that the administration of public affairs is in accordance with the law.<sup>1</sup>

The Ministry is responsible for legal services in two separate and distinct areas - the independent prosecution of criminal matters and the provision of legal services to Government.

Prosecutions are conducted by Crown counsel who, following a police investigation, independently consider whether there is substantial likelihood of conviction based on the available evidence, and, if so, whether the public interest requires a prosecution.

## ***Our Key Priority***

*Justice Transformation —  
Early Solutions and Faster Justice*

### ***What we do:***

- *Give legal advice to Government*
- *Represent Government before courts and tribunals*
- *Prosecute criminal matters*
- *Fund Legal Aid and Family Maintenance Enforcement*
- *Provide family justice counselling*
- *Provide services for the operation of the courts*
- *Draft legislation*
- *Fund the Human Rights system*

### ***What we don't do:***

- *Give legal advice to or represent individuals or groups outside Government*
- *Pay directly for individuals or groups to have legal representation*
- *Interfere with decisions of judges, Crown counsel, or administrative tribunals*

The Ministry provides civil legal services to Cabinet, ministries and certain public agencies to assist them in fulfilling their business objectives in accordance with the rule of law.

The Ministry provides court administration services such as facilities, registry services and security to British Columbia courts: the British Columbia Court of Appeal (in four locations), the British Columbia Supreme Court (in 26 locations) and the Provincial Court of British Columbia (in 89 locations). Ninety-eight per cent of British Columbians live within one hour of travel time to a court.

The Ministry also provides and funds justice services enabling disputes to be settled out of court. In consultation with the Legal Services

<sup>1</sup> Immigration and Settlement Services moved to the Ministry of Advanced Education and Labour Market development in summer 2008. Multiculturalism moved to the Ministry of Citizens' Services June 2009.



## Ministry of Attorney General

Society, the Ministry manages the provincial funding of legal aid. The Family Maintenance Enforcement Program assists in the collection of child and spousal maintenance from spouses who have not honoured their support payment obligations.

The Ministry's responsibilities also include the Province's human rights system and policy support for Government's democratic reform priorities.

# Strategic Context

## Justice System

Access to justice is one of the most fundamental values in a democratic society. It is also one of the most constant challenges of the justice system.

As one of many participants in the justice system, the Ministry does not (and should not) have full control or authority over the system. For example, the *Criminal Code of Canada* is federal legislation administered by the Province. Judges, police, lawyers and Crown counsel must act and make decisions independently and free from interference. Yet all participants must work together to ensure a fair system that serves the public interest and is open to public scrutiny.



Increased criminal gang activity in 2008 and early 2009 resulted in pressure on all areas of the criminal justice system. In addition to the initiatives outlined in the Highlights section, the Ministry has increased security requirements at court houses and its capacity to prosecute and assist police with organized crime investigations.

About 50 per cent of reported crimes in British Columbia are committed by about 10 per cent of offenders. A number of criminal justice reform projects aim to address the underlying causes of criminal behaviour, which are often driven by health and social issues.

A 2006 review of bail statistics by the Provincial Court of British Columbia found in almost 40,000 of the approximately 107,000 bail appearances no bail decision was made. Inefficient use of court resources leads to unnecessary prisoner transfers and delays in bail decisions.



Prince George Oath Ceremony

Cost, delay and complexity are seriously limiting access to the civil and family justice system. An average Supreme Court trial lasts five days and costs well over \$60,000 (the median after tax income for an average BC household)<sup>2</sup>.

This is an increase of 250 per cent in the last ten years. Within the family court system the average time between the filing and resolution of a family law case is 272 days. The Ministry continues to work towards a family justice system that is more accessible, effective and oriented towards the needs of children and families.

<sup>2</sup> Statistic Canada, 2006 Median after tax income by selected family types — British Columbia

**Legal Services**

Demand for legal advice for Government's strategic and policy priorities continues to increase, with a six per cent increase in legal hours delivered to client ministries over the past year. There was increased complexity in the nature of litigation involving Government; such as tobacco litigation, health care cost recovery, and a challenge to the jurisdiction of the provinces and territories to enact civil forfeiture legislation. Major legislative initiatives such as those related to Climate Action and the B.C. Energy Plan required significant legislative drafting resources.

# Report on Performance

## Performance Plan Summary Table

Goal 1: Best Justice System in Canada For greater detail see pages 13 to 20	2008/09 Target	2008/09 Actual
Objectives: 1.1 Fair, just and impartial justice service 1.2 Accessible and efficient justice services 1.3 Safe, timely, and reliable justice services 1.4 Continually improved law and justice processes 1.5 Public has knowledge of and understands the justice system		
Percentage of British Columbians who have a great deal or quite a lot of confidence in the justice system	49%	44% <b>NOT ACHIEVED</b>
Percentage of British Columbians 15 years and older who perceive that the criminal courts do a good job of: - Providing justice quickly - Helping the victim - Determining whether or not the accused is guilty - Ensuring a fair trial for the accused	17% 17% 32% 56%	11% <b>NOT ACHIEVED</b> 13% <b>NOT ACHIEVED</b> 26% <b>NOT ACHIEVED</b> 49% <b>NOT ACHIEVED</b>
Percentage of British Columbians 15 years and older who perceive that the civil and family justice system does a good job of: - Providing justice quickly - Helping parties solve their problems - Determining the appropriate outcomes of disputes - Ensuring a fair process for all parties - Ensuring access to justice for all parties	12% 18% 18% 25% 26%	12% <b>ACHIEVED</b> 14% <b>NOT ACHIEVED</b> 15% <b>NOT ACHIEVED</b> 22% <b>NOT ACHIEVED</b> 23% <b>NOT ACHIEVED</b>
Median time to conclude provincial criminal cases	80 days	85 days <b>NOT ACHIEVED</b>
Median time to settlement conference for Small Claims Cases in Provincial Court	149 days	171 days <b>NOT ACHIEVED</b>
Median time to trial for Civil Small Claims in Provincial Court	290 days	320 days <b>NOT ACHIEVED</b>
Median time for Family Cases to reach first order	88 days	96 days <b>NOT ACHIEVED</b>

## **Goals, Objectives, Strategies and Performance Results**

### **Goal 1: The Best Justice System in Canada**

#### **Objectives:**

- 1.1 Fair, just and impartial justice service**
- 1.2 Accessible and efficient justice services**
- 1.3 Safe, timely, and reliable justice services**
- 1.4 Continually improved law and justice processes**
- 1.5 Public has knowledge of and understands the justice system**

#### **Strategies**

The Ministry's strategies to advance these objectives were:

##### **Civil and Family Justice Systems**

*Justice Access Centres* - The Nanaimo Justice Access Centre opened October 30, 2008. The centre offers front end, accessible justice information and service that people with family and civil justice problems can use to obtain assessment, information, advice, referral and other services they need to help solve their legal problems.

*Streamlining Small Claims Court Proceedings* - The Ministry implemented, on a pilot basis, a simplified trial process before a Justice of the Peace for claims under \$5,000, a mandatory mediation process for claims between \$5,000 and \$25,000, and other streamlining measures.

*Civil and Family Law Reform* - A multi-year review of the *Family Relations Act* and an ongoing review of civil law, including Succession Law.

##### *Court Rule Reform*

- *Supreme Court Family Rules* - The Ministry is working to reform the Family Court process by creating a new set of simplified and streamlined Supreme Court Rules that are harmonized, to the greatest extent possible, with Provincial Court Rules.
- *Supreme Court Civil Rules* - The Ministry continues to work on Civil Rules that will emphasise proportionality and include new principles for managing cases, new processes

such as the Case Planning Conference, and new approaches to streamlining litigation practice.

### **Criminal Justice System**

*Community Court* - Opened in September 2008 to integrate justice, health and social services to address crime in Vancouver's downtown core. In the first six months the Court dealt with approximately 1,100 offenders, many of whom were connected to health services or received housing.

*Prolific Offender Management* - In Spring 2008, prolific offender management teams were set up in six pilot communities. In each location, 10 partner agencies have implemented an integrated approach to managing the most prolific offenders in their communities. The key objective of the pilot is to reduce the criminal behaviour of these offenders, whether through incarceration or treatment for the underlying issues driving their criminal behaviour.



*Opening Vancouver Community Court*

*Bail Reform* - Two bail reform pilots were implemented to test methods to improve efficiency and effectiveness of bail processes. Successful reform will mean fewer delays in matters proceeding to trial, earlier releases where appropriate, reduced transport of accused, reduced incidents in which the accused are released away from their home community and fewer interruptions to scheduled court events.

*Provincial Community Safety Steering Committee* - Coordinated the approach and set priorities for provincial crime prevention and reduction strategies between all the agencies responsible for criminal justice, health and social service operations in British Columbia.

*Federal Criminal Justice Reform Advocacy* - British Columbia continues to provide strong leadership in seeking federal justice reform on criminal justice issues.

- *National Chronic Offender Initiative* - Worked on forum planning for government and non-government stakeholders with the goal of developing a framework to assist provinces and territories deal more effectively with chronic offenders.
- *Missing Women* - Worked with federal, provincial and territorial partners in the development of recommendations and a final report to be presented to the Ministers of Justice. The report will make recommendations on policy and legislation issues with respect to the justice system's response to murdered and missing women.
- *Drug Facilitated Sexual Assaults* - Led a national review of strategies to address the use of synthetic drugs such as gamma hydroxy butyrate (GHB) to facilitate sexual assaults, resulting in further work to identify effective responses to problems associated with illicit synthetic drugs.

- *Cyber-crime* - Led a national review to update the *Criminal Code of Canada* and identified a number of areas that require modernization. The recommendations put forward will help facilitate investigations and prosecutions involving the criminal use of technologies.
- *Restorative Justice* - Participated in a national level working group that has been working to improve public awareness of restorative justice, identify strategies for improving data collection, and strengthen the links between victim service agencies and restorative justice programs.

## Performance Measure 1. Public Confidence in the Justice System

Performance Measure	2006/07 Baseline	2007/08 Actual	2008/09 Target	2008/09 Actual
Percentage of British Columbians who have a great deal or quite a lot of confidence in the justice system	46.5%	41.8%	49%	44% NOT ACHIEVED
Data Source: BC Omnibus Survey conducted annually by BC Statistics from September to February.				

### Discussion of Results

Public safety and an effective justice system are necessary for social stability and economic prosperity. Public confidence in the justice system is a key indicator of its effectiveness. The Ministry's performance is only one component of the many influences on public confidence in the justice system.

The targets and results for this measure are based on the averaged (rounded) public confidence results from the monthly BC Omnibus Surveys conducted by BC Statistics from September to February each year. This survey uses a subset of the questions from the Statistics Canada 2003 General Social Survey on Social Engagement (Cycle 17).

While the target of 49 per cent has not been met, it is important to note that the 2008/09 result of 44 per cent is more than two per cent greater than the previous year's results.

### Ministry Response

The results reinforce the importance of the Ministry's justice reform strategies which are identified in this report and in the 2009/10 Service Plan. The Ministry continues to collect data on the perceptions and experiences of British Columbians with various components of the justice

system. This research will contribute to a greater understanding of public confidence in the justice system.

## Performance Measure 2. Public Perceptions of the Justice System

### 2.1 Perceptions of the Criminal Justice System:

Performance Measures	2006/07 Baseline	2007/08 Actual	2008/09 Target	2008/09 Actual
Percentage of British Columbians 15 years and older who perceive that the criminal courts do a good job of:				
Providing justice quickly	13%	12%	17%	11% NOT ACHIEVED
Helping the victim	13%	12%	17%	13% NOT ACHIEVED
Determining whether or not the accused is guilty	28%	28%	32%	26% NOT ACHIEVED
Data Source: BC Omnibus Survey conducted annually by BC Statistics from September to February.				

### Discussion of Results

Public perceptions of specific functions of the criminal courts are indicators of an effective criminal justice system and may contribute to understanding the sources of public confidence in the criminal justice system. This measure reports the percentage of respondents who believe that the criminal courts are doing a good job in these specific functions.

The targets and results are based on the averaged (rounded) public confidence results from the 2006-2009 monthly BC Omnibus Surveys conducted by BC Statistics. The BC Omnibus Surveys use a subset of the questions from the Statistics Canada 2004 General Social Survey on Victimization (Cycle 18).

### Ministry Response

The results reinforce the importance of the Ministry's justice reform strategies which are identified in this report and also in the 2009/10 Service Plan. Strategies include creating a highly effective unit of Crown counsel supporting organized crime investigation and prosecutions, as well as seeking amendments to the *Criminal Code of Canada* to assist in these investigations and prosecutions. The Ministry continues to survey public perceptions of the criminal court and helping the victim, these results are used to inform its day-to-day operations and the development and implementation of justice transformation strategies.



## 2.2 Perceptions of the Civil and Family Justice Systems:

Performance Measures	2007/08 Baseline	2008/09 Target	2008/09 Actual
Percentage of British Columbians 15 years and older who perceive that the civil and family justice system does a good job of:			
Providing justice quickly	10%	12%	12% ACHIEVED
Helping parties solve their problems	16%	18%	14% NOT ACHIEVED
Determining the appropriate outcomes of disputes	16%	18%	15% NOT ACHIEVED
Ensuring a fair process for all parties	23%	25%	22% NOT ACHIEVED
Ensuring access to justice for all parties	24%	26%	23% NOT ACHIEVED

Data Source: BC Omnibus Survey conducted annually by BC Statistics from September to February.

### Discussion of Results

Public perceptions of specific functions of the civil and family justice system are indicators of an effective justice system and may contribute to understanding the sources of public confidence in the civil and family justice system. This measure reports the percentage of respondents who believe that the civil and family justice systems are doing a good job in these specific functions.

The baseline is from the averaged (rounded) public confidence results from the 2007-2008 monthly BC Omnibus Surveys conducted by BC Statistics. The BC Omnibus Surveys use civil and family justice system questions that were developed based on the questions used for measuring public confidence in the criminal justice system.

### Ministry Response

The results reinforce the importance of the Ministry's justice reform strategies which are identified in this report and also in the 2009/10 Service Plan. The Ministry is conducting a number of projects to support increased confidence in this system, for example, creating the Vancouver Justice Access Centre and Court Rule Changes.

The Ministry will continue to survey perceptions of the civil and family justice system to inform its day-to-day operations and the development and implementation of justice reform strategies.

### **Performance Measure 3. Timeliness of the Justice System:**

#### **3.1 Criminal Case Conclusion:**

Performance Measure	2006/07 Baseline	2007/08 Actual	2008/09 Target	2008/09 Actual
Median time to conclude provincial criminal cases	82 days	84 days	80 days	85 days <sup>1</sup> NOT ACHIEVED
Data Source: Court Services Branch criminal MIS system (CORIN). This data is from April 1, 2008 to March 31, 2009. <sup>1</sup> The data are preliminary and subject to change; final numbers will be available in September 2009				

### **Discussion of Results**

Timeliness in reaching case conclusion is an indicator of an effective criminal justice system and may contribute to public confidence in the justice system. This measure includes all criminal adult and youth provincial court cases completed in fiscal 2008/09 and reports on the median time it takes from the date information is sworn to the conclusion date.

### **Ministry Response**

The Ministry's capacity to process its criminal caseload within the targeted timelines has become increasingly more difficult. The Ministry is not able to directly control outcomes (including timeliness) in the justice processes due to the independence of the Crown, judiciary, defence and other justice system participants. However, the Ministry will continue to investigate how factors such as court capacity, additional appearances and adjournments, and caseload contribute to the efficiency of justice processes.

Specifically, in 2009/10 the Ministry will lead a Pre-Trial Disposition Justice Efficiencies Project in the Vancouver region that focuses special attention on a case very early in its history to gain maximum certainty that events will occur when they are scheduled to occur and thereby reduce overall Time to Disposition and delay in the court system.

### 3.2 Civil and Family Timeliness:

Performance Measure	2006/07 Baseline	2007/08 Actual	2008/09 Target	2008/09 Actual
Median time to settlement conference for Small Claims Cases in Provincial Court:	153 days	163 days	149 days	171 days NOT ACHIEVED
Median time to trial for Civil Small Claims in Provincial Court:	296 days	321 days	290 days	320 days NOT ACHIEVED
Median time for Family Cases to reach first order:	90 days	92 days	88 days	96 days <sup>1</sup> NOT ACHIEVED
Data Source: Courts Electronic Information System (CEIS). This data from April 1, 2008 to March 31, 2009. <sup>1</sup> The data are preliminary and subject to change; final numbers will be available in September 2009				

## Discussion of Results

Timeliness in small claims and family cases is an indicator of an effective civil and family justice system and may contribute to public confidence in the justice system. Small claims are cases valued at \$25,000 or less.

### *Median Time to Settlement Conference*

This measure reports the median time between opening a case and the first settlement conference for small claims in Provincial Court.

A Small Claims Court pilot project has been implemented in the largest Small Claims registry in the province and as a result of new processes, the median data reported for 2007/2008 cannot accurately be compared to the high median reported for 2008/2009. The pilot has eliminated all new settlement conferences at Robson Square Provincial Court, which receives 25 per cent of all Small Claims filings in British Columbia, and has introduced new simplified trials, summary trials, mediations and trial conferences. While preliminary pilot evaluation results show significant improvements in timeliness, the elimination of new settlement conferences has skewed the overall provincial median.

In 2008/2009, the only settlement conferences scheduled at Robson Square were for cases opened before the pilot started in November 2007. Without any new settlement conferences to counterbalance these old cases, the median time to reach settlement conference at Robson Square increased dramatically from 165 days in 2004/2005 to 342 days in 2008/2009.

### *Median Time to Trial*

This measure reports the median time it takes small claims cases to reach the trial stage in Provincial Court. Unlike the Criminal Court, Small Claims Court is a largely driven by the

parties. Multi-defendant cases, problems with contacting the opposing party, changes of lawyers, addition of parties, and delays caused by pre-trial motions all impact the time it takes to get to trial. Sometimes it can take months for the parties to resolve these issues before a trial can be scheduled.

Scheduling of small claims matters, which is done by the Provincial Court Judiciary, also influences time to trial. Small Claims court competes with other areas of court, like Family Court and Criminal Court, for judicial resources.

### *Family Cases to First Order*

This measure reports the median time between the filing of an Application to Obtain an Order (or Application to Change/Cancel an Order) and the date the first corresponding order is granted.

Factors that impact the speed and timeliness of the small claims and family process are justice system capacity and the parties themselves. Availability of judicial/staff resources and settlement conference rooms affect the time it takes to reach settlement conference stage. Furthermore, the length of time to serve notices, file a reply or reply with counterclaim (small claims), exchange evidence, or accommodate requests for transfer, and trial complexity delay the speed in which disputes are heard.



## **Ministry Response**

The Ministry and the Judiciary continue to work together to monitor and reduce backlogs and trial delays at each court location. The Ministry continues to look at ways to create process efficiencies such as the Small Claims Court Pilot, held at the Richmond and Robson Square courthouses. The creation of Justice Access Centres as well as a review of the *Family Relations Act*, are both aimed at supporting early resolution in family matters.

The Ministry is also taking the lessons from the Small Claims Pilot and examining how time savings might be achieved in the family court context. For example, it may be possible to streamline the process around Provincial Court support and maintenance orders by using a combination of dispute resolution experts and Justices of the Peace. That streamlining work may begin in 2009/10.

## **Goal 2: Excellent Legal Services to Government**

### **Objectives**

#### **2.1 Timely, relevant and innovative legal advice**

### **Strategies**

A key strategic priority in providing legal services to the Government was:

*Climate Action Legal Team* - established a center of excellence in climate change law, a newly emerging area of specialized inter-disciplinary law. The team increased environmental law expertise across existing practice groups and provided strategic legal expertise to support Government's climate change initiative.

A performance measure has been developed for this goal and will be reported out in the next annual report.

## **Goal 3: The Best Place for Newcomers**

The objectives, strategies and performance measures previously under this goal reported in the Ministry of Advanced Education and Labour Market Development Annual Service Plan Report. The work being done to support and promote multiculturalism and inclusive communities is reported out by the Ministry of Citizen Services and the Minister Responsible for Multiculturalism.

# Report on Resources Resource Summary

## Resource Summary Table

Core Business Areas	Estimated <sup>(1)</sup>	Other Authorizations <sup>(2)</sup>	Total Estimated	Actual	Variance <sup>(3)</sup>
Operating Expenses (\$000)					
Justice Transformation	8,274		8,274	6,930	(1,344)
Justice Services	101,335	3,005	104,340	103,539	(801)
Prosecution Services	107,977	10,795	118,772	120,383	1,611
Court Services	144,900	6,249	151,149	151,807	658
Legal Services	19,233		19,233	18,291	(942)
Multiculturalism and Immigration	Multiculturalism moved to the Ministry of Citizens Services Immigration moved to the Ministry of Advanced Education and Labour Market Development				
Executive and Support Services	60,440	(792)	59,648	60,296	648
Judiciary	68,135		68,135	67,458	(677)
Crown Proceeding Act	24,500		24,500	5,738	(18,762)
B.C. Utilities Commission	1		1	0	1
Special Account (Public Guardian and Trustee)	10,453		10,453	9,640	(813)
Statutory - Public Inquiry Act		3,821	3,821	3,821	0
Adjustment of Prior Year's Accrual			0	(1,000)	(1,000)
<b>Total</b>	<b>545,248</b>	<b>23,078</b>	<b>568,326</b>	<b>546,903</b>	<b>(21,422)</b>
Full-time Equivalentents (FTEs)					
<b>Total</b>	<b>3,627</b>		<b>3,627</b>	<b>3,668</b>	<b>41</b>
Ministry Capital Expenditures (Consolidated Revenue Fund) (\$000)					
Justice Transformation	25	2,668	2,693	3,802	1,109
Justice Services	307		307	363	56

## Ministry of Attorney General

Prosecution Services	892		892	317	(575)
Court Services	5,182		5,182	4,438	(744)
Legal Services	150		150	219	69
Multiculturalism and Immigration	Multiculturalism moved to the Ministry of Citizens Services Immigration moved to the Ministry of Advanced Education and Labour Market Development				
Executive and Support Services	713		713	656	(57)
Judiciary	750		750	993	243
Crown Proceeding Act			0		0
B.C. Utilities Commission	12		12		(12)
Special Account (Public Guardian and Trustee)	500		500	408	(92)
<b>Total</b>	<b>8,531</b>	<b>2,668</b>	<b>11,199</b>	<b>11,196</b>	<b>(13)</b>

Other Financing Transactions (\$000)					
Executive and Support Services (Interest on Trusts and Deposits)					
Receipts	(1,806)		(1,806)	(1,260)	546
Disbursements	1,806		1,806	1,260	(546)
Net Cash Source (Requirements)	0		0	0	0

<sup>1</sup> Estimated amounts correspond to the Estimates as restated after the Government reorganization in June, 2008.

<sup>2</sup> Other authorizations include statutory appropriations and contingencies funding. The Public Inquiry Act is a statutory appropriation.

Contingencies funding was provided for major criminal cases, sheriff operations cost pressures and capital spending for community court. All figures have been adjusted for the Government reorganization in June, 2008.

<sup>3</sup> Variance display is consistent with the Public Accounts. Variance is in all cases "Actual" minus "Total Estimated." If the Actual is greater, then the Variance will be displayed as a positive number.

### Operating Expenses – Variance Explanations

Justice Transformation: delays in opening the Vancouver Downtown Community Court.

Justice Services: staffing recruitment lag and savings in funding allocated for exceptional criminal trials (i.e., outside of usual legal aid eligibility).

Prosecution Services: unfunded leave liability, workload pressures in the Fraser region and shared services costs.

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Legal Services: savings in outside counsel contracts for Aboriginal litigation due to a fewer number of trials than anticipated.

Executive and Support Services: unanticipated charges for Pacific Leaders and other corporate initiatives, partly offset by savings in facilities charges and salary and benefits savings from hiring delays.

Judiciary: Provincial Court savings from appointment delays for 4 Judges plus Judges/JJPs on LTD, partially offset by increased costs in other expenses.

Crown Proceeding Act: court-ordered and settlement liabilities against the Crown in a number of large cases at less than the budgeted provision.

Public Guardian and Trustee: recruitment lag and greater than anticipated volume of asset management fees recovered.

### **Full-time Equivalent (FTEs) – Variance Explanation**

The increase is primarily due to staff required for major trials.

### **Capital Expenditures (Consolidated Revenue Fund) – By Asset Category**

Capital expenditures of \$11.196 million include \$3.028 million for information systems, \$4.353 million for tenant improvements, \$0.941 million for vehicles, \$2.606 million for specialized equipment and \$0.268 million for office furniture and equipment.

### **Capital Expenditures (Consolidated Revenue Fund) – Variance Explanations**

Justice Transformation: Vancouver Downtown Community Court project.

Prosecution Services: frozen funding for some larger projects, and delays in implementing various security upgrades.

Court Services: delays of some large tenant improvement projects.

Provincial Judiciary: unfunded mandatory PC refresh costs.



# Annual Service Plan Report Appendix

## Ministry Contact Information

For more information on the British Columbia Ministry of Attorney General:  
visit our website at: [www.gov.bc.ca/ag/](http://www.gov.bc.ca/ag/)

call or write the: Ministry of Attorney General Communications Branch  
PO Box 9206 Stn Prov Govt  
Victoria BC V8W 9J1  
250 387-4090

### Call the following headquarters numbers:

Court Services Branch .....	250 356-1550
Criminal Justice Branch .....	250 387-3840
Deputy Attorney General.....	250 356-0149
Family Justice Information Line .....	1 888 216-2211

For other contact information, please call Enquiry BC at:  
250 387-6121 in Victoria or Toll-Free at 1 800 663-7867

## Hyperlinks to Additional Information

**Ministry of the Attorney General Legislation:**  
[www.ag.gov.bc.ca/legislation/AG-legislation.htm](http://www.ag.gov.bc.ca/legislation/AG-legislation.htm)

**Crowns, Agencies, Boards and Commissions:**  
[www.ag.gov.bc.ca/abc](http://www.ag.gov.bc.ca/abc)

**Ministry Operational Volumes:**  
[www.ag.gov.bc.ca/public/ministry\\_operational\\_volumes.pdf](http://www.ag.gov.bc.ca/public/ministry_operational_volumes.pdf)