



THE CANADIAN  
BAR ASSOCIATION  
British Columbia Branch

December 20, 2017

Hon. Jody Wilson-Raybould  
Minister of Justice and Attorney General of Canada  
284 Wellington Street  
Ottawa, ON K1A 0H8

via email: [jody.wilson-raybould@parl.gc.ca](mailto:jody.wilson-raybould@parl.gc.ca)

Dear Minister Wilson-Raybould,

I write to you as President of the BC Branch of the Canadian Bar Association, which has more than 6500 members, the bulk of whom are lawyers practicing in British Columbia.

I am hearing regularly from members – particularly those practicing litigation – who are concerned about the judicial complement in the Supreme Court of British Columbia and its impact on timely and effective access to justice for those who find themselves involved in our justice system.

Our Supreme Court of British Columbia is, after today's appointment, presently ten judges below complement. As of January 1 2018 it will be eleven judges below complement. As a result, parties are regularly arriving at court for trials and hearings, but are being sent away because of a lack of judges to hear the cases. Those parties have often spent substantial time and money preparing for trial, and witnesses have been inconvenienced. The financial cost to those involved is substantial, but the emotional cost is often equally significant as those seeking finality in their disputes are left waiting months or years longer.

I recognize that your government made a number of key changes in 2016 to the judicial appointment process. Appointments were delayed while those changes were implemented, and a new Judicial Advisory Committee for British Columbia was appointed in January 2017. Those of us in the British Columbia bar were hopeful that the appointment of this new Judicial Advisory Committee would soon lead to increasing numbers of appointments that would take the British Columbia Supreme Court to a full complement.

In the 2016 Annual Report of the British Columbia Supreme Court, it is noted that, as of the beginning of 2017, there were **nine** judicial vacancies on the Court. We will be starting 2018 with **eleven** judicial vacancies – and a risk of that number increasing given the two current vacancies on the BC Court of Appeal.

The 2016 Annual Report went on to say that:

The current judicial vacancies are having a serious impact on the ability of the Court to provide hearing dates for litigants in a timely manner. The ongoing shortage of judges means that scheduled trials and long chambers applications are bumped and have to be rescheduled. This is hugely disruptive to the litigants and to their counsel. Bumping matters increase the cost of

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litigation because work undertaken to prepare for a trial or a long chambers application will have to be done again. It is also very difficult for Supreme Court Scheduling staff to be in the position of telling a litigant that his or her trial cannot proceed as scheduled because the Court does not have enough judges to hear all of the matters that are scheduled for a particular day. Unfilled judicial vacancies also increase the workload burden on the current complement of judges which increases the risk of burnout which leads to a compounding of the problem.

Nearly a year later, with the Judicial Advisory Committee having been in place for eleven months, the number of vacancies has increased, and all of these impacts continue to an even greater degree.

I am very pleased to hear of today's appointment of Madam Justice Marzari – which we learned of just before sending this letter – but wanted to make sure you are aware that the judicial complement continues to be a matter of significant concern to the Bar in British Columbia, and continues to have a significant impact on access to justice in our province.

I would encourage you to do what you can to bring the British Columbia Supreme Court to full complement at your earliest opportunity.

Yours truly,

A handwritten signature in black ink, appearing to be 'BV', with a long horizontal flourish extending to the right.

Bill Veenstra  
CBABC President 2017/2018