



JUDICIAL JUSTICE RE-APPOINTMENT PROCESS SUMMARY

Judicial Council of British Columbia

WHAT WILL JUDICIAL COUNCIL ASSESS?

APPLICANT CRITERIA

Applicants must demonstrate the skills for judicial excellence found in Section 4 of the Judicial Justice Re-Appointment Application.

OTHER CONSIDERATIONS

OUTSTANDING PRACTICE COMPLAINTS OR CLAIMS

Generally, applicants are not considered for an interview if they have any outstanding complaints or errors and omissions claims registered with the Law Society. Applicants are responsible for ensuring the removal of such claims or complaints. If the Judicial Council receives information sufficient to confirm that the claim is frivolous or lacking foundation, then the complaint or claim is not a bar to the applicant's consideration.

CIVIL CLAIMS OR JUDGMENTS

Judicial Council is prepared to consider the application of an applicant involved in a civil claim or proceeding if, after receipt and review of the details of the claim or proceeding, Council is of the opinion that the nature of the claim or proceeding does not reflect on the applicant's fitness for appointment to judicial office. Civil claims would include if you foresee commencing or defending any litigation in the foreseeable future (i.e. because you have received or issued a demand letter or you otherwise know of a possible claim against you or because you are aware of a possible claim that you have against another party).

PARTY OR WITNESS

You will be asked if you have ever been a party or witness in any type of tribunal or court proceeding and, if so, to provide the court file number(s), registry(ies), and case citation(s) if available.

OTHER FINANCIAL MATTERS

Applicants must inform Judicial Council of any outstanding civil judgments or arrears in family support payments, and any past or present proposals to creditors or assignments in bankruptcy.

EXPENSES

Applicants are not reimbursed for any expenses incurred in connection with the application or with the interview process.

WHAT HAPPENS AFTER I APPLY?

INQUIRIES

Because re-appointments under s.30.2 of the *Provincial Court Act* are to be made "upon the recommendation of the Judicial Council," Council has established a process through which it can discharge its statutory responsibility.



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Upon receipt of an application, the Chief Judge requests: (1) a report from the Administrative Judicial Justice and/or Associate Chief Judge regarding an applicant's eligibility in reference to the criteria outlined above; and (2) a report from the Legal Officers regarding an applicant's complaint history

(collectively, the "Reports"). Inquiries are conducted as discreetly as possible, but strict confidentiality cannot be guaranteed.

REVIEW/INTERVIEW

An applicant's Reports are then provided to Judicial Council for review. An interview may or may not be conducted. Council considers the applicant's application; the Reports; any comments received from Judicial Justices and others; and decides whether to approve the applicant as being eligible for re-appointment.

REPORTING CHANGES

An applicant must promptly report any changes to their application to Judicial Council, including but not limited to personal suitability information, such as health/medical, Law Society, financial, and conflicts, and if no longer seeking re-appointment. Failure to report changes may disqualify an applicant from consideration for re-appointment.

RECOMMENDATIONS & REAPPOINTMENTS

Re-appointments of current or resigned part time Judicial Justices (JJs) for a second fixed term will occur where there is a recommendation from Judicial Council endorsing the re-appointment of the JJ to the Chief Judge. Once a recommendation is made by Judicial Council, the Chief Judge may re-appoint the part time JJ to a second 10-year term after their initial fixed term has expired, where applicable. The Chief Judge will advise the applicant JJ whether their application for re-appointment has been approved by Judicial Council.

Similarly, for re-appointments of full time JJs as part time JJs, once a recommendation is made by Judicial Council recommending the re-appointment of the full time JJ as a part time JJ, the Chief Judge may re-appoint the full time JJ to a 10-year term as a part time JJ. The full time JJ who applies for re-appointment as a part time JJ will receive notification from the Chief Judge that she intends to re-appoint them. The full time JJ will then need to formally retire or resign and contact the Chief Judge to advise the Chief Judge when the JJ will retire or resign as a full time JJ.

Provincial Court Act

Judicial justices

30.2 (3.2) If a judicial justice has resigned or the appointment of a judicial justice has expired, the chief judge may reappoint, on the recommendation of the council, the judicial justice to hold office on a part time basis for a term of 10 years.

(3.3) A person may be reappointed under subsection (3.2) only once.

(3.4) A person over 75 years of age may not be reappointed under subsection (3.2).

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Revised March 2023



ITEMS REQUIRED FOR ONLINE APPLICATION

The following forms must be completed online at: <https://apply.provincialcourt.bc.ca/>

- Judicial Justice Re-Appointment Application with digital photograph
- Law Society Authorization and Release (if applicable)
- Office of the Chief Judge Authorization and Release