



JUDICIAL JUSTICE CANDIDATE PROCESS SUMMARY

Judicial Council of British Columbia

WHAT WILL JUDICIAL COUNCIL ASSESS?

APPLICANT CRITERIA

Experience

Applicants must have been engaged in the practice of law for at least five years in Canada. Those with less legal practice experience may be considered if they have a range of related experience.

Qualities and Abilities

Applicants must demonstrate the skills for judicial excellence found in Section 5 of the Judicial Justice Candidate 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 will 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 tribunal/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.

CRIMINAL RECORD AND OTHER SEARCHES

A criminal record, driving record, credit check, and social media search will be reviewed.



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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

Upon receipt of an application, the Chief Judge requests a report on the applicant from the Judicial Advisory Committee of the Canadian Bar Association. Committee members make inquiries of Bar members and others regarding an applicant's reputation and suitability for judicial office, a process which may take several months.

The Chief Judge also requests a report from the applicable Law Society about any complaints against the applicant. Reports are also obtained regarding the applicant's credit, driving and any criminal record background. The authorization is for the duration of the application.

The Chief Judge will also solicit comments from Judges who may be familiar with the applicant. Persons identified as references by the applicant, and others not so identified including current colleagues, may be contacted, unless the applicant specifically requests that they not be contacted, and provides reasons for that request. Inquiries are conducted discreetly, but strict confidentiality cannot be guaranteed.

REVIEW/INTERVIEW

Once these inquiries are complete and the report of the Judicial Advisory Committee is received, the Judicial Council reviews all the information and determines whether to interview the applicant. If at least three members vote in favour, the applicant is approved for an interview. The timing of the interview depends on the backlog of approved applicants but it generally occurs within a year following the date of application. Applicants not approved for an interview are not notified. For those applicants who have been granted an interview, cyber investigation searches will be conducted by an independent firm. If there are relevant search results contained in the cyber investigation report, the report will be provided to both the applicant and Judicial Council in advance of the interview. If not, the report will not be shared.

In person interviews are conducted at the Office of the Chief Judge. At least five members of Judicial Council must be present, although all nine members usually participate. Applicants are asked a series of questions designed to assess their suitability for judicial appointment, and to address any issues raised as a result of the inquiries made concerning the application. Following the interview, Council decides whether to approve the candidate. If at least two members vote against an applicant, the



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application is not approved. Reasons are not provided, nor are applicants notified of the outcome of their applications.

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 appointment. Failure to report changes may disqualify an applicant from consideration for appointment.

RECOMMENDATIONS

Approved applicants are added to a roster where they remain for a period of up to three years from the date of their interview. If a vacancy occurs, the Attorney General will select candidates from the roster and submit their names to the Lieutenant Governor in Council for appointment. Interviewed applicants should advise the Council if at any time they wish to remove themselves from consideration for appointment.

Applicants not interviewed may reapply three years from the date of their previous application; applicants interviewed but not appointed must also reapply, and may do so 30 months from the date of their previous interview. Generally, there are more applicants approved for appointment than there are appointments to the Bench.

A “cooling off” period of one year will apply to any person who is closely involved in the judicial appointment process, during which time they are precluded from making application to Judicial Council. Those persons include a current or former Attorney General, Deputy Attorney General, members of Judicial Council, the Chair and members of the CBA Judicial Advisory Committee. Other persons whose application may give rise to a conflict, real or perceived, will be reviewed on a case-by-case basis.



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ITEMS REQUIRED FOR ONLINE APPLICATION

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

- Judicial Justice Candidate Application with digital photograph
- Law Society Authorization and Release
- Consent for Disclosure of Personal Information

ITEMS REQUIRED TO COMPLETE APPLICATION

- Online background eConsent forms: once the items listed above are received, you will be sent an email from Judicial Council's background check provider with a link and access code to the eConsent forms used in its secure, confidential screening process. Please submit these forms in order to complete the background screening process.