



# JUDICIAL RE-APPOINTMENT PROCESS SUMMARY

Judicial Council of British Columbia

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## WHAT WILL JUDICIAL COUNCIL ASSESS?

### APPLICANT CRITERIA

Applicants must demonstrate the skills for judicial excellence found in Section 5 of the Judicial 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.

#### 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.

#### MEDICAL CERTIFICATE

Applicants must have their physician submit a recent medical certificate setting out their state of health.

#### EXPENSES

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



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## WHAT HAPPENS AFTER I APPLY?

### INQUIRIES

Because appointments under s.6 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.

Upon receipt of an application, the Chief Judge requests: (1) a report from the Regional Administrative Judge and/or Associate Chief Judge regarding an applicant's eligibility in reference to the criteria outlined on page 1; 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 Judges and others; and decides whether to approve the applicant as being eligible for 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, financial, and conflicts, and if no longer seeking re-appointment. Failure to report changes may disqualify an applicant from consideration for re-appointment.

### RECOMMENDATIONS

Approved applicants will be included in a “pool” of approved applications for a period of three years and may be recommended to the Attorney General for temporary annual appointment until age 75 or the expiration of the three years, whichever comes first. If an applicant is under age 75, she or he may re-apply at the expiration of the three years. Applicants should advise Council if at any time prior to the age of 75 they wish to remove themselves from consideration for re-appointment.

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.

### *Provincial Court Act*

#### **Appointment and reappointment of judges**

6(1) On the recommendation of the council, the Lieutenant Governor in Council, by Commission under the Great Seal, may:



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- (a) appoint judges of the court as the Lieutenant Governor in Council considers necessary, and
- (b) if a judge has resigned or retired
  - (i) reappoint the judge,
  - (ii) appoint the judge to hold office as a part time judge for a term of one year, or
  - (iii) reappoint the judge referred to in subparagraph (ii) for additional terms, each term being for one year,

so that he or she can be assigned duties under section 11 (1).

- (2) A person must not be appointed under this section as a judge unless he or she has been a member in good standing of the Law Society of British Columbia for at least 5 years or has other legal or judicial experience satisfactory to the council.
- (3) The following persons may not be reappointed under subsection (1) (b) (i):
  - (a) a person who is under 55 years of age or over 75 years of age;
  - (b) a person who holds or held office as a part time judge.

## ITEMS REQUIRED FOR ONLINE APPLICATION

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

- Judicial Re-Appointment Application with digital photograph
- Office of the Chief Judge Authorization and Release

## ITEMS REQUIRED TO COMPLETE APPLICATION

- [Consent for Release of Medical Information](#): 1 copy printed and signed by you, then completed, signed and sent by your physician to the following address:
  - Judicial Council of British Columbia
  - 337 - 800 Hornby Street
  - Vancouver, BC V6Z 2C5
- Online background eConsent forms  
Once the items listed above and your physician's medical report are received, you may 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. If for any reason the process cannot be successfully completed online, you will be notified and given instructions on how to submit your identification through a Notary Public or local Canada Post office.