

A Submission to the

2019 BC JUDICIAL COMPENSATION COMMISSION

Respectfully Submitted by

FRASER D. HODGE, *Per Diem* Judicial Justice

I have had the benefit of reading submissions from my fellow Judicial Justices Adair and Holmes. At the outset I declare my support for the general thrust of their submissions – that is, our component of our Court is facing significant operating problems emanating directly from the current low remuneration for Judicial Justices.

By way of background, my work over the past eleven years as a Judicial Justice has been solely at the Burnaby Justice Centre, where our work is done almost exclusively by *per diem* Judicial Justices. I have not been involved in Traffic Court and the work of my fellow Judicial Justices there. Prior to my appointment as a Judicial Justice my background encompassed parallel careers in aviation alongside the Law, with academic endeavours in Engineering, the Law, and academic-Law for an LLM.

My background is quite different than my fellow *per diem* Judicial Justices. However, as I view our roster, I do not see uniformity but I see a vast array of different backgrounds which, in my respectful opinion, is a major positive factor in the success of the *per diem* Judicial Justice concept since its introduction. The extensive and widely varied legal knowledge and experience brought to our positions by the *per diem* Judicial Justices is an essential element to the general acceptance of, and regard for, our work product by accused persons, Crown and Defence Counsel, and all the Police and governmental enforcement agencies operating in our jurisdiction with whom we work regularly. Without that

“credibility factor” our work in the Court would be largely in vain. Put simply, if consumers of the judicial system do not have a high regard for, or faith in the operation of the judicial system, then that system is non-performing and failing the public it is supposed to serve.

In my respectful view, Chief Judge Stansfield “got it right” when he initiated the current program of *per diem* Judicial Justices by engaging the extensive legal (and life) experiences of experienced lawyers, from a variety of practice areas, to become part time Judicial Justices. He recognized the necessity and value of that credibility, particularly when applied to the kind of legal work undertaken at the Provincial Court level. He brought it into the Court at a bargain price for the Court.

However, the bargain price has become too much of a bargain such that there is now scant interest among experienced counsel in joining our group of Judicial Justices, with just a few exceptions in rare circumstances. I count myself within the rare circumstances because I do not depend on my Judicial Justice remuneration to fund my grocery bill. Rather, I am in the fortunate position of simply enjoying being a Judicial Justice. However, I will in fact, “age out” of my appointment, even before your subsequent Commission is appointed – a point I make solely to underscore that I say what I say here objectively, and without the motivation of personal gain.

In view of the deteriorating staffing levels outlined by my colleagues Adair and Holmes, with whom I agree, it is my respectful submission that without a significant increase in remuneration the depth of legal experience and therefore the quality of work done by Judicial Justices will quickly diminish to the significant detriment of the Court and the people served by the Court. That would constitute a substantial loss of exceptionally efficient and widely accessible justice.

Put simply and with only modest exaggeration to make the point: *The Court cannot and will not get or enjoy the credibility brought by experienced lawyers at articling-student rates of pay.*

I recognise that the overall direction the Court should go is a big and broad topic for discussion but again, I submit Chief Judge Stansfield “got it right” with the *per diem* program. There is ample evidence since its implementation to support that contention.

I also recognise that the future shape of the Court is a question for the Chief Judge in implementing her vision of how she wishes the Court to evolve over the years to come. However, for today and for this my submission to the Commission, it is the operating premise of the Court and, in my respectful submission, a premise superior to its alternatives, and well worth adequately funding to ensure it flourishes.

Accordingly, I submit to the Commission that a substantial increase in Judicial Justice, specifically *per diem*, remuneration is warranted and essential for the Court to continue providing an appropriate level of service to the people of British Columbia.

Finally, I express my thanks, in advance, to the Commissioners and the Commission staff for your work on this frequently contentious subject.

Respectfully submitted,

Fraser D. Hodge,
Judicial Justice

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