

B.C. COURTS

Sheriffs round up jurors on the street

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Court sheriffs in New Westminster on the hunt for jurors recently corralled more than 30 unsuspecting people, bringing them in from the street and in front of a judge.

The sheriffs were forced to resort to the unusual procedure last week when the jury pool was depleted - the result of what some say is a rise in the number of claims the Insurance Corporation of British Columbia is taking to court.

Tom Collins, a Court Services spokesperson, said the search for jurors on the street only happens once every couple of years. "It's very rare."

Mr. Collins said that at noon that day, 16 people were found, three of whom were selected for jury duty. Later in the afternoon, another 17 people were taken in.

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Wes Mussio, a personal injury lawyer, was in the courtroom that day. "They went out to the New Westminster street, down on Columbia Street, started walking through the shops, and asking people, 'Are you a Canadian citizen?' They say, 'Yes.' 'Are you a B.C. resident?' 'Yes.' 'Are you over 19?' 'Yes,' " he said.

"There were people that were [in] retail, so they were taking the clerks," adding that people had no choice because refusing can land you in contempt of court.

Mr. Mussio says the Insurance Corporation of British Columbia appears to have a new strategy. "There are so many jury trials that the sheriff hasn't anticipated the huge increase in trials through the ICBC process - and so they didn't have enough panel jury members," he says.

"If ICBC is forcing more litigation, it's going to have a tremendous impact on the court system."

But ICBC spokesperson Doug McClelland denied any change, saying, "There is no new policy."

According to the Crown corporation, about 80,000 people are injured in motor vehicle crashes each year in B.C., and a little more than 13,000 of those file claims. The number that ended up in trial appearances in 2005 was about 400, and in 2006 it was about 150.

Mr. Mussio is adamant that number is on the rise this year, saying up to 20 per cent of ICBC's cases could be taken to court, compared with the 3 per cent figure in 2005. ICBC denied this, but said they had no other statistics to provide on that subject. Mr. Mussio says people need to look no further than the New Westminster courthouse where there were recently eight claims cases in a single week - and that's just one courthouse in the province.

ICBC says it's because the number of injuries is so large to begin with. "The unfortunate truth of the matter is that there are 80,000 people injured in motor vehicle accidents every year, and even a small percentage of them choosing to sue ICBC does make up a significant portion of the number of cases going to trial," says Mr. McClelland.

But NDP MLA Harry Lali, Opposition Critic for ICBC, has noticed a change in ICBC's strategy as well. "British Columbia's court system is already clogged," he says. "This directive will further clog up B.C.'s court system."

Mr. Mussio says the ICBC shift is so obvious that he stopped attempting to settle with them. "I'm not even going to mediation any longer," he says. "It's just a waste of time because ICBC doesn't want to negotiate." He says many of the people in the personal injury law community have the same frustrations with the insurance company.

ICBC acknowledges it has been faced with the pressure of insurance claims going up in the past years because of a booming economy, a low unemployment rate, and rising earnings, which affects compensation for lost wages. "The costs of being off the job today is higher than a year ago," says Mr. McClelland.

He says this has had no effect on what claims ICBC settles and what claims it doesn't, saying their mandate is to deal with claims in a fair, quick and reasonable way.

"It's not in our interest at all to increase the number of cases that proceed to court. At the same time, it's not in anyone's interest for us to pay whatever it takes to stay out of court. It's a line that needs to be managed carefully."

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