

JDG 3

MAKE COURTS WORK BETTER

3.1 ENSURE ACCESS TO COURTS - Courts must be adequately staffed and located where people live to make sure people can get access to a judge when needed, especially when fundamental and constitutional rights are at stake.

3.2 PROMOTE MULTI SERVICE CENTRES - Courthouses should offer mediation, dispute resolution, and informal or non-legal services to make it easy for people to access cheaper and simpler options at any stage of the process.

3.3 HELP PEOPLE WHO ARE REPRESENTING THEMSELVES - Courts should offer services, including early resolution and information services, for people who are navigating the legal system alone.

3.4 MANAGE CASES EFFECTIVELY - Timelines, simplified procedures, shared experts, and limited number of witness should be agreed to, or insisted on by judges, to make better use of court time and encourage early settlement.

3.5 BE ACCESSIBLE AND USER-FOCUSED - Courts and procedures need to be modernized to reflect people's needs, including better use of technology where it can make the process faster or easier without ignoring the needs of vulnerable people.

3.6 PROTECT JUDICIAL INDEPENDENCE - Ensure system improvements do not interfere with a judge's ability to make independent, ethical decisions to protect people's rights.

While many access to justice efforts focus on preventative approaches or alternatives to court processes, courthouses remain critical in the continuum of legal services. Courts are where many people turn first for legal information or resolution, speaking with court staff, judges and lawyers. Direct and ancillary services that help people during periods of crisis are often based at or near courthouses. Continuing to improve court-based legal services is critical to improving access to justice.

Many of the existing resources make justice more accessible for court users. Legal information centres, pro bono services, and duty counsel programs help people understand legal processes and provide immediate assistance. Court staff provide front line services to litigants and judges manage cases in their courtrooms. All of these justice sector professionals are involved in ongoing evolution of legal services to improve access to justice.

In 2019, courts continued their significant modernization and transformation efforts. At the same time, targeted approaches to supporting court users through new court tools and approaches, community engagement, and legislative changes ensured more positive access to courts for vulnerable populations.

Organizations saying this is their primary impact on A2J: **7** Projects aligned: **62**

Supporting Court Users

In 2019, the BC Provincial Court added a Guide to Preparing for BC Small Claims Court to the website. The Guide uses a fictional sample problem to explain the process in Small Claims Court and support individuals with complex issues, including concepts such as expert evidence and suing a third party.

On November 25, 2019, the Provincial Court of British Columbia's Chief Judge Gillespie hosted journalists at a lunch meeting to discuss the Provincial Court's revised public and media access policies and answered questions from members of the media.

The federal government introduced Bill C-51, increasing the impact of the Canadian Charter of Rights and Freedoms by:

- amending the Criminal Code (Code) to modify or repeal provisions that have been ruled unconstitutional by the courts or that raise risks of being contrary to the provisions of the Canadian Charter of Rights and Freedoms (Charter). It also amends or repeals Code provisions that could be considered obsolete and/or redundant.
- amending provisions in the Code relating to sexual offences. In particular, it sets out a procedure for determining the admissibility and use of the complainant's records when they are in the possession of the accused.
- amending the Department of Justice Act to require that the Minister of Justice table a statement of a bill's potential effects on the rights and freedoms guaranteed by the Charter for every government bill introduced in either House of Parliament.

In 2019, the Provincial Court of Manitoba established the Fetal Alcohol Spectrum Disorder Court, a sentencing court for both youth and adults who have a diagnosis of fetal alcohol spectrum disorder. The court is focused on recognizing and reflecting in the sentence the moral culpability of those offenders who have FASD where the diagnosis is potentially linked to the offending behaviour. The Court encourages the participation of community organizations that provide support, housing and programming for offenders with FASD are invited to provide information to the court.

Felix Goes to Court - Testimonial Aids for Child Victims of Crime is an initiative that was developed by the Public Legal Education and Information Service of New Brunswick to assist victim services staff and other professionals such as Crown prosecutors, in their efforts to support child victims of crime. It includes a plain language storybook

for young victims which is accompanied by an Activity Book with information about going to court and testifying. There is also a guide with "Tips for Parents and Helpers" that reinforces the key messages in the storybook and offers tips on how to support youth victims while avoiding coaching them.

Through its African Nova Scotian Access to Justice Judicial Committee, the Nova Scotia Judiciary organizes judicial engagement sessions in communities across the province. Once a year, judges meet with community leaders to listen and learn about the challenges facing the African Nova Scotian community, particularly in the context of the justice system. In Whitney Pier, Cape Breton, on Feb. 1, 2019, approximately 15 judges from Cape Breton and northern Nova Scotia took part in the program, which included a dinner with community members.

The Dartmouth Wellness Court team is developing a series of information brochures to help the public learn more about the programs available, starting with the Mental Health Court Program. The first brochure in the series, PART 1: ENTERING THE PROGRAM, was developed in 2019. It provides information for individuals considering applying to the Mental Health Court Program and those who have recently been accepted into the program. The brochure was created in consultation with program graduates and some currently enrolled in the program, to ensure a First Voice perspective and that the information was presented in plain language.

The Victim Services Portal is an online tool created by the Department of Justice in Nova Scotia that allows clients to securely login and view their latest file information online from laptops, tablets and smartphones. The new service will be a one-stop site for clients to access links to useful websites and forms as well as receive notifications from their Victim Services Officers.

The Ministry of Justice in BC introduced the Protection of Public Participation Act. This Act will safeguard people from strategic lawsuits against public participation (often referred to as SLAPPs) that limit or prevent the expression of individuals' or groups' points of view on matters of public interest. The Act strives to improve access to justice and protect freedom of expression, while allowing for legitimate claims that involve real harm.

Increasing Access and Efficiency

The Social Security Tribunal of Canada is working to transform its process to a more client-centric administrative justice service. In January 2019, it changed its approach so that appellants at the General Division can now choose their preferred form of hearing. Appellants can select their preference between a hearing held by telephone, videoconference, in person or in writing, using questions and answers. In some special cases, the Tribunal will still decide on the form of hearing, but these cases are few. As a result of this approach, from January to November 2019, over 90% of form of hearing requests from appellants at the General Division were met.

SST decreased the time to start an appeal by

97%



The large majority of appellants who use the SST's process are unrepresented. SST's focus is to minimise legal complexity for system users. In December 2018 it simplified the requirements to start an appeal by applying regulations more flexibly, easing the burden for appellants filing appeals at the Tribunal by requesting less information than was previously required. As a result of these changes, from January to November 2019, it has reduced the average time it takes to start an appeal to 1.5 days (a 97% average decrease).

The BC Court of Appeal launched a Webcasting Pilot Project to improve access to court proceedings for individuals unable to attend hearings in person. More than 2000 people viewed select hearings, or portions of hearings, remotely during the course of the three-appeal project. Public feedback was overwhelmingly positive, with many viewers voicing appreciation for being able to access court proceedings that they would otherwise not have been able to view for reasons such as living far from the Court and mobility restrictions.

The federal government enacted Bill C-75: An Act to amend the Criminal Code, the Youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts (Royal Assent June 2019). These reforms are intended to make the criminal justice system more modern and efficient and to reduce delays in criminal

proceedings. The proposed amendments are in response to the Supreme Court of Canada rulings in R. v. Jordan and R. v. Cody, and to the final report of the Standing Senate Committee on Legal and Constitutional Affairs, *Delaying Justice is Denying Justice: An Urgent Need to Address Lengthy Court Delays in Canada*.

Justice Transformation: The Plan to Modernize the Justice System, by the Ministère de la Justice du Québec, aims to make justice more innovative and efficient for the benefit of all citizens by increasing the effectiveness of the justice system in a sustainable manner, including reducing delays. The three main axes are: to introduce innovative practices, to bring justice into line with new technologies and to communicate information effectively between the main players. This plan represents a major investment of \$500 million by 2022-23. In 2019, several achievements were realized in this project such as:

- a project for the disclosure of criminal evidence;
- the roll-out of the general adult alternative measures program in 18 judicial districts;
- the implementation of video-video surveillance in Montérégie-Est and Gatineau;
- a project with the Court of Appeal to implement a paperless solution for online filing of appeals.

*Justice Transformation:
the Plan to Modernize the
Justice System*



\$500 million
MAJOR INVESTMENT

BC's Court Digital Transformation Strategy 2019-23 provides a commitment to improve access to justice and improve services and accessibility and builds upon the foundational work and accomplishments. This strategy serves the broad public through increased accessibility to services such as Online Divorce Assistant, Online Protection Order Assistant, Court of Appeal eFiling, and enhancements to Court Services Online.

The Provincial Court of British Columbia enhanced its services by adding Traffic Court to the Surrey Courthouse.