

RESPONDING TO THE COVID-19 PANDEMIC

Many public legal education organizations worked very hard. In 2020, a global pandemic drastically altered everyday life in Canada and across the globe. At the outset of the pandemic in March and April 2020, and in order to prevent the spread of the COVID-19 virus, in-person activity was limited in some places and shut down entirely in others. Given the vast number of in-person interactions in the justice system, including court appearances, lawyer meetings, family mediations, preparing, swearing, serving and filing documents, and public education sessions, many justice services across the country came temporarily to a halt.

Fortunately, the justice system response was swift and nimble. Governments, courts and service providers worked overtime to find ways to ensure that individuals could access the justice services they required. The system embraced technological options, eliminated rules and processes that presented barriers to access and found creative ways to get legal information and support to people.

No hurried response will be perfect. Technological solutions require access to technology – which is not a consistent reality for many Canadians. Video and telephone appearances do not suit every proceeding. Access to justice was not always improved for everyone in these solutions. However, the speed and magnitude of the response across the country ensured that most people could continue to use the system to address their most urgent legal issues.

The work ahead will be to meaningfully assess the changes made, understand which changes support increased access to justice in the future and which ones may require further work. The spirit of the system's response to the pandemic – assessing need, being flexible and creative, and caring about the life challenges facing Canadians – should be celebrated as a significant achievement.

This section of the JDGs Progress Report looks at over **350** solutions introduced directly in response to the pandemic. Each of these solutions has multiple impacts supporting the ongoing provision of justice services.



Reducing Formal Barriers

One of the major ‘culture shifts’ that occurred in the justice system as a result of the pandemic was the acknowledgement that processes as set out in the rules of courts required revisiting. Rules and practices requiring in-person appearances and in-person filing could no longer be met. Courts and tribunals, in partnership with governments and law societies, moved quickly to amend rules, issue temporary practice directions and open the door to the use of new technologies and creative solutions in order to hold remote and virtual hearings, amend filing deadlines and methods, change court processes, and remove barriers to commissioning and filing documents.

Service providers, including legal aid and clinics, amended their practices in response. Justice stakeholders worked collaboratively across provinces and territories and nationally to address these issues and ensure that formal barriers to remote access were reduced. Justice advocates pushed decision-makers to ensure that COVID-related laws and processes supported and enhanced access to justice for people.

BC

The Ministry of the Attorney General in BC introduced the **Electronic Witnessing of Wills (COVID-19) Order** allowing people to remotely witness wills with the assistance of a lawyer. The order particularly benefits the elderly in care homes, because of the limitations placed on in person visits, as well as individuals who live in rural areas and small towns.

Canada

The Canadian Bar Association’s Task Force on Justice Issues Arising from COVID 19 Report, released in Feb 2021, made recommendations on how courts, tribunals and other dispute resolution processes can deliver their services differently to meet the needs of stakeholders both during and after the pandemic.

BC

BC introduced a **new, temporary process to change child or spousal support agreement or order of the Provincial Court for families affected by COVID**, including an early resolution service that offers a needs assessment and out-of-court dispute resolution.

Embracing Technology

A major component of the justice system’s response to pandemic shutdowns was to move hearings and other appearances onto a remote platform. Courts and tribunals across the country began to hold remote hearings using the telephone and video platforms, in which all parties were separate and frequently none of the participants, including the decision-makers were in the courthouse itself. Many organizations developed supporting materials for clients and parties appearing online, holding webinars on the technology and the rules and offering technical support for parties.

Lawyers, mediators, clinics and information providers also went digital – appearing online, meeting with clients virtually, and pushing clients to virtual information and support platforms.

AB

In Alberta, like many jurisdictions in Canada, they established **virtual court capabilities**, holding thousands of remote video or telephone court matters including trials, dockets, pre-trial conferences and sentencing.

ON

At Lakehead University Community Legal Services, **student caseworkers were equipped with the technology for video conferencing with their clients and applicants**. For clients without the technology required to participate in such a meeting, the clinic set up a designated meeting room to allow the client to attend and use clinic computer technology to join a video conference with their caseworker.

Supporting litigants

Access to courts was not simply a matter of setting up virtual meetings. Supporting litigants meant ensuring that people could use the technology adopted by the court, had access to support and early resolution options, and were able to access the community, cultural and language services meant to support the positive resolution of their matters.

NL

Newfoundland & Labrador Justice and Public Safety provided opportunities for individuals to **access virtual court proceedings in their own language**.

PEI

The PEI Court of Appeal set up a **computer room in the courthouse** to allow self-represented litigants who did not have access to a computer to join their virtual proceeding.

BC

The Provincial Court of BC held **traffic court at school sites**, using retired judges and expanded hours.

Supporting Justice Workers

Part of ensuring access to justice is ensuring that the system actors can function as effectively as possible. During the pandemic, a number of rapid responses were developed to ensure that lawyers and paralegals could serve clients, meet court requirements and continue to meet their professional obligations. Training and support for community workers went online. Justice workers of all types worked from home or found themselves in modified workplaces.

NU

The Law Society of Nunavut moved **Continuous Professional Development** training from in-person to **online** with an early focus on access to justice projects.

QC

In response to an unexpected influx of requests for legal advice on sexual harassment in the workplace during the pandemic, Juripop in Quebec offered a series of **online webinar trainings** for lawyers volunteering with the program.

NB

The Law Society of New Brunswick offered **FAQs for lawyers on practising remotely, virtual commissioning, trust account guidelines and professional obligations** during the pandemic.

Ensuring Information and Support Gets to People

Legal needs were exacerbated by the onset of the pandemic, which created housing, employment and financial instability. COVID-related public legal education, including responding to emerging issues, was shared on virtual platforms for maximum distribution. Providing information and support about all legal needs in the pandemic environment required innovative approaches, including online access to law libraries, virtual information sessions, curated links, and public promotion through social media.

ON

Downtown Legal Services in Toronto launched **numerous PLE sessions on housing rights** in the pandemic.

BC

Rise Women's Legal Centre in Vancouver moved **all legal services online**.

MB

Manitoba Justice, Family Resolution developed **"Parenting Arrangements during COVID-19"**, available online.

NWT

Outreach Legal Aid Clinic in the Northwest Territories held **virtual legal aid clinics in remote communities**.

NL + QC

Both Newfoundland & Labrador (the COVID-19 Legal Support Service) and Quebec (COVID-19 Legal Assistance Clinic) launched **free, remote legal support and advice clinics for people directly impacted by COVID-19**.

PEI

In PEI, the Department of Justice and Public Safety introduced the **Co-parenting Action Team**, an interdepartmental program that offers personalized supports to help parents address co-parenting challenges exacerbated by COVID-19.