



# AGENDA FOR JUSTICE | 20 25

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# A new vision for justice

## Accessible. Equitable. Fair.

British Columbians lean on legal and justice systems during some of the most important moments of their lives. They rely on effective and clear laws to protect their personal, business and property interests.

Their concerns are urgent. Communities worry about violent offenders and street safety. Families struggle to make ends meet during disputes about child support. Indigenous people continue to face overrepresentation in the criminal justice and child protection systems.

CBABC believes in accessible, equal and fair legal and justice systems that help British Columbians solve today's tough challenges.

*Accessible* systems ensure inclusivity, so that everyone can afford a chance at solving their legal issues – from 2SLGBTQIA+ people facing discrimination to people living in rural areas with inadequate internet to access court services. *Equitable* systems address the disproportionate harms experienced by marginalized people. *Fair systems* help British Columbians navigate their legal issues with ease and strengthen the public's faith in institutions designed to secure just outcomes.

Integral to maintaining confidence is continued progress in Reconciliation with Indigenous peoples. This ongoing journey requires greater leadership from government to help all citizens understand how and why laws and processes are changing.

More resources to improve our legal and justice systems can make a substantial difference in the lives of British Columbians. Longstanding calls for funding and modernization not only remain but need immediate attention.

## Solving today's issues

Agenda for Justice 2025 is a roadmap for action to solve pressing challenges and to improve everyday life for British Columbians.

This roadmap presents tangible solutions where immediate change is needed. We can work together to make justice more accessible by reducing costly delays, funding legal aid and modernizing our systems.

We want to restore British Columbians' confidence that our legal and justice systems protect them and achieve resolutions. With your support, we can take real action with a shared vision of a fair and just society.





## Making justice affordable

Justice should be accessible to everyone, regardless of background, income or location. Unfortunately, some groups are disproportionately impacted by violence or discrimination and have fewer means to access the legal services needed to address their issues.

To help more British Columbians receive legal representation, legal aid should be available in more family law disputes and to help 2SLGBTQSI+ people address their unique legal matters. Technology and streamlined processes should break down the cost barrier built by inefficient and overly complex court systems.

We need to ensure that no one suffers the injustice of choosing between financial security and having a fair chance at solving their legal problems.

# Expanded Scope for Family Law Legal Aid

Navigating a divorce or the end of a long-term relationship can be difficult. Negotiating without a lawyer compounds this stress on families, especially those with children.

British Columbia is the only province in Canada without legal aid for routine family law matters to help those on a low-income access legal help and bring down costs in these challenging circumstances. All other provinces in Canada provide legal aid coverage for divorce, parenting disputes, and spousal and child support.

In B.C., family law legal aid is available only in cases of intimate partner violence, threats to safety or denial of access to children and then only to resolve *that* problem. Only 53% of British Columbians who apply for legal aid to help navigate through a family breakdown are eligible for support.

Funding for legal aid was cut over 20 years ago, disproportionately impacting women who make up most legal aid recipients. Women also typically face more systemic barriers that leave them more vulnerable during a relationship breakdown.

**68% of family law legal aid recipients identify as women.**

*Legal Aid BC, 2023/24*

Without the help of a lawyer, it can be difficult to negotiate and enforce child support, leaving parents – often single women – struggling to make ends meet. Those who face cost barriers often have no choice but to represent themselves in court. Currently, 40% of family law cases in the BC Provincial Court involve a person who is not represented by legal counsel. Their unfamiliarity with laws and the justice system takes increased time and resources as they often end up requiring aid from other government programs.

## Recommendations

CBABC recommends that the B.C. government:

- Provide sufficient funding for family law legal aid to help families who cannot afford a lawyer access legal representation.
- Expand the scope of coverage to allow more B.C. families to access legal representation for routine family law matters such as divorce, parenting arrangements, child and spousal support, and division of assets and debts.
- Ensure family law legal aid funding fully covers both in-court and out-of-court resolutions.

# Legal Aid for 2SLGBTQIA+ Communities

Two-spirit, lesbian, gay, bisexual, transgender, queer, intersex, asexual, non-binary and other sexual minorities (2SLGBTQIA+), especially those who are transgender, face more discrimination than most people, resulting in a higher need for legal services to protect and defend their rights. Social barriers such as family conflict, isolation and lack of financial resources can make access to justice more challenging. Racialized people and people with disabilities who are also 2SLGBTQIA+ often face even greater difficulties, as the type and range of barriers and discrimination they face are compounded.

Despite this heightened need, very few legal aid clinics or law reform organizations are dedicated to supporting 2SLGBTQIA+ communities. With a group of people so prone to isolation, more public resources should be made available to ensure access to justice for and defend the safety of 2SLGBTQIA+ British Columbians.

## Recommendations

CBABC urges the B.C. government to take the following steps to address systemic barriers to justice for 2SLGBTQIA+ communities:

- Fund legal aid services provided by and for 2SLGBTQIA+ communities, with a particular focus on transgender communities.
- Educate all professionals in the justice system about issues specific to 2SLGBTQIA+ communities to create a more welcoming space.
- Fund a collaborative platform where 2SLGBTQIA+ legal aid practitioners and allied lawyers can enhance their understanding.
- Monitor legal aid resources allocated to 2SLGBTQIA+ communities using disaggregated data like sexual orientation, gender identity and gender expression to inform meaningful change.

# Unified Family Court

After a spousal relationship ends, couples sometimes go to court to resolve outstanding legal issues. In B.C., an overlap exists in family law jurisdiction between the different courts.

The Provincial Court deals with over half of family law cases but this court doesn't have jurisdiction to decide division of assets and debts. The Supreme Court has jurisdiction over all family law issues but has fewer locations and more complex procedures. The overlap in jurisdiction is confusing and wastes scarce resources for families who are already going through a difficult and stressful time.

The creation of one court to deal with all family law issues, known as a Unified Family Court, would help simplify the process. Funding is readily available from the federal government and UFCs have seen success in seven other provinces. A UFC provides one efficient and effective access point to direct matters to the appropriate legal service or offer alternative resolution options.

The new court would increase access to justice, reduce the emotional distress and help save time and money when dealing with family disputes.

**Family law cases account for almost one-third of all civil court cases in Canada.**

*Statistics Canada*

## Recommendations

CBABC recommends the B.C. government establish a Unified Family Court for family law litigants. A UFC is recommended by various studies including the Family Justice Reform Working Group 2005 report, produced as part of the BC Justice Review Task Force.





# Technology to Improve Court Service Delivery

British Columbians living in rural and remote communities face geographical barriers to making in-person court appearances. Taking time off work to travel to a courthouse and paying for accommodations can compound an already stressful situation. Increasingly, trials are rescheduled or 'bumped,' leading to more costly delays for litigants.

Outside of Vancouver and New Westminster, the BC Supreme Court operates on the assize system – hearings and trials are scheduled during a one- or two-week period but your appearance could happen any day during that period. Lawyers and self-represented litigants must prepare for their hearing without knowing exactly when it will start or if it will start at all.

Inefficient court processes increase legal costs, waste time and cause additional stress for the parties involved. The BC Supreme Court is beginning to modernize the booking process, but more progress to ensure an efficient and effective system is needed.

## Recommendations

CBABC recommends the B.C. government invest in the following BC Supreme Court modernization initiatives:

- Create the infrastructure for people to attend routine civil and family law pre-trial hearings virtually with the option to appear in-person where needed.
- Move all court records online and allow documents to be submitted online for remote access by judges and court clerks.
- Review the system for scheduling trials and hearings and develop a province-wide online booking system.



# Rural Access to Legal Services

People who live in rural B.C. don't have the same access to technology or lawyers as people in urban areas. This becomes an access to justice problem as people need computers and high-speed internet to connect to legal information, court services and lawyers outside their community. Ideally, people would have lawyers in their own communities to provide advice and representation.

Public libraries and community centres do not fill this gap because specific software is often required. Indigenous Justice Centres and other community-based organizations may have the software, but availability is limited. Even if public computers are available, people must spend time and money to get to them and they will not be in a private location.

People of all incomes and backgrounds should be able to access legal information and services, learn about legal options and assert their rights. With good quality internet and access to a computer, people in rural communities can more easily obtain legal advice, attend hearings and properly prepare for legal proceedings with the help of counsel remotely.

**Just 36% of rural communities and 38% of rural Indigenous communities have access to high-speed internet.**

*Government of British Columbia, 2021*

## Recommendations

CBABC recommends the B.C. government prioritize access to justice for rural communities by implementing the following actions:

- Provide rural and Indigenous communities with high-speed internet access, computer equipment and technology literacy training, so they have the tools needed to access court and justice services.
- Introduce incentives, such as a student loan forgiveness program, that encourage new lawyers to set up their legal practice in rural and remote communities.



## Reaching equal justice for everyone

Immediate and substantive solutions must address the disproportionate harms experienced by marginalized individuals and communities. Indigenous people continue to be overrepresented in correction facilities. The child protection system fails to champion children and their families as they experience traumatic separations.

Legal and justice systems that serve everyone require significant measures for effective change, from collecting the data needed to understand the experiences of minority groups to implementing laws that advance Reconciliation.

# Transformation of the Child Protection System

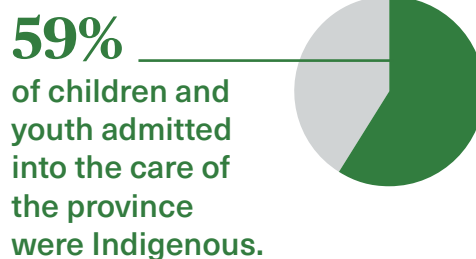
When children are removed from their families – even for their immediate safety – the resulting trauma can last a lifetime. Families unfamiliar with the child protection system don't understand their rights or what to do next, resulting in decisions taking too long and extending the child's time in care.

Children in B.C.'s foster system have been neglected and even abused, prompting investigations by the Representative for Children and Youth. It is illogical to remove a child from their parents only to have that child be harmed while in the care of government.

Given that Indigenous children dominate B.C.'s foster care, Indigenous families, yet again, are disproportionately impacted by the cracks in our welfare system, despite recent legislation that seeks to respect and uphold Indigenous communities' inherent rights to provide their own child and family services.

The Splatishin First Nation and the Cowichan Tribes have assumed authority for child safety in their communities. Without resourcing to develop these services, too many Indigenous children and families remain in B.C.'s system.

To protect all of B.C.'s children and to fulfill the promise of Reconciliation with Indigenous peoples, changes are necessary.



*B.C. Ministry of Children and Family Development, 2023/24*



*Statistics Canada, 2021 Census*

## Recommendations

CBABC recommends the B.C. government prioritize the modernization of the child protection system, so the rights of children are protected and changes to their circumstances are completed in a timely manner. Changes include:

- Improve access to legal representation for children and families so that fair solutions are reached faster.
- Review the foster care system and implement legislative measures to reduce the risk that children are placed in unsafe homes.
- Ensure Indigenous communities have the resources to assume responsibility for child welfare services.



# BC First Nations & Métis Justice Strategies

The *BC First Nations Justice Strategy*, launched in early 2020, aims to fundamentally change the dynamics between Indigenous peoples and the criminal justice system. The primary objective is to address the alarming overrepresentation of First Nations people at all levels of the justice process, while simultaneously increasing their representation in roles that actively shape this system. Implementing this strategy falls under the purview of the BC First Nations Justice Council, which requires adequate financial and human resources to be effective.

A key initiative within this framework is the Gladue Report process. Named after the Supreme Court of Canada decision that established principles for sentencing Indigenous individuals, a Gladue Report sheds light on the unique circumstances of each person, highlighting the impacts of colonialism on their lives. The demand for these reports has surged, nearly doubling since 2021, yet the number of trained writers has not kept pace. This mismatch leads to delays in report delivery, ultimately hindering the timely resolution of legal issues for Indigenous individuals.

The challenges faced by Métis people in British Columbia are often distinct from those of First Nations, necessitating a specific *Métis Justice Strategy*. This strategy was announced in September 2024 and requires funding to facilitate implementation.

Successful implementation of these strategies is crucial for achieving true Reconciliation.

## Recommendations

CBABC recommends that the B.C. government:

- Fully fund the *BC First Nations Justice Strategy*, with an immediate focus on training more Gladue Report writers.
- Sufficiently fund implementation of the *Métis Justice Strategy*.

# Access to Restorative Justice

Restorative justice is a proven yet underused resource in the criminal justice system. It brings together the person harmed, the offender and their communities to find solutions that meet the needs of those who have been harmed while addressing the underlying causes of the act. This may include restitution, counselling, apology letters and community service, but can also include other creative solutions.

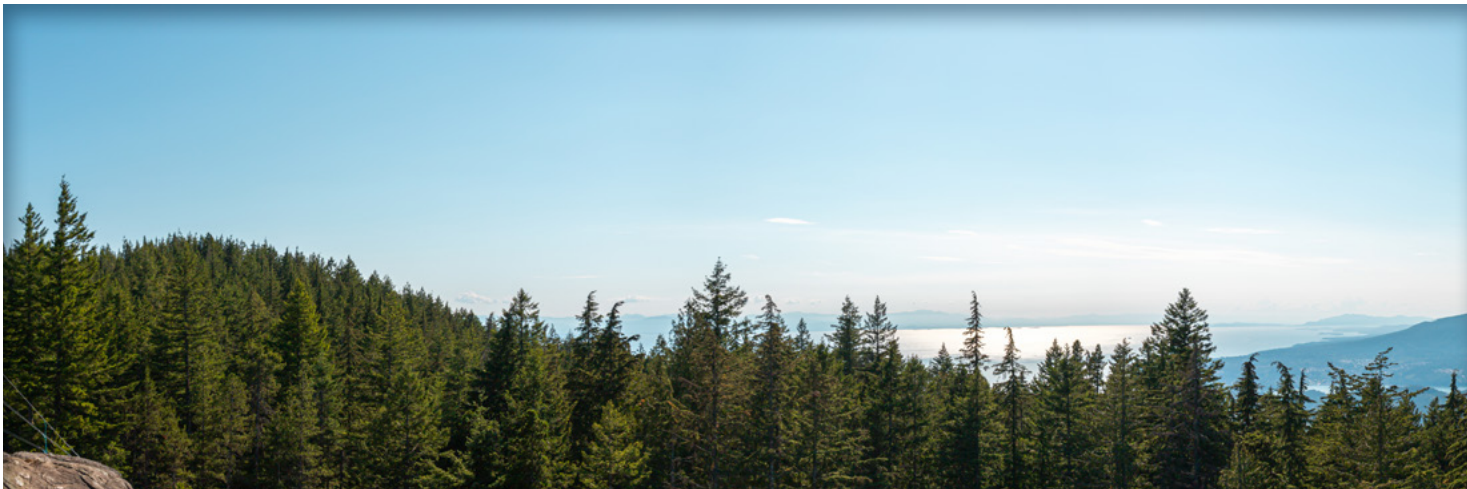
A robust and comprehensive restorative justice program has the potential to save money for both the judicial and corrections systems. However, there is no coordinated infrastructure to enable access to restorative justice programs by offenders, police, Crown Counsel and defence counsel.

Not all communities have restorative justice providers. The providers that do exist receive little government funding and have to rely on and spend time securing other grants.

## Recommendations

CBABC calls on the B.C. government to increase access to restorative justice services in communities across the province, including Indigenous communities. Steps to take include:

- Develop and fund a Restorative Justice Strategy and Action Plan in consultation with Indigenous partners, legal stakeholders and restorative justice providers.
- Increase funding for restorative justice providers to enable service delivery in all parts of B.C. so existing providers can focus on service and standards rather than search for continued funding.



# Moving Forward with *DRIPA*

Both Indigenous and non-Indigenous British Columbians need to have confidence their government wants to meaningfully improve the experience of Indigenous peoples.

Reconciliation requires acknowledging injustice and creating a better future where the rights of Indigenous peoples are incorporated into law and are consistent with the *United Nations Declaration on the Rights of Indigenous Peoples*.

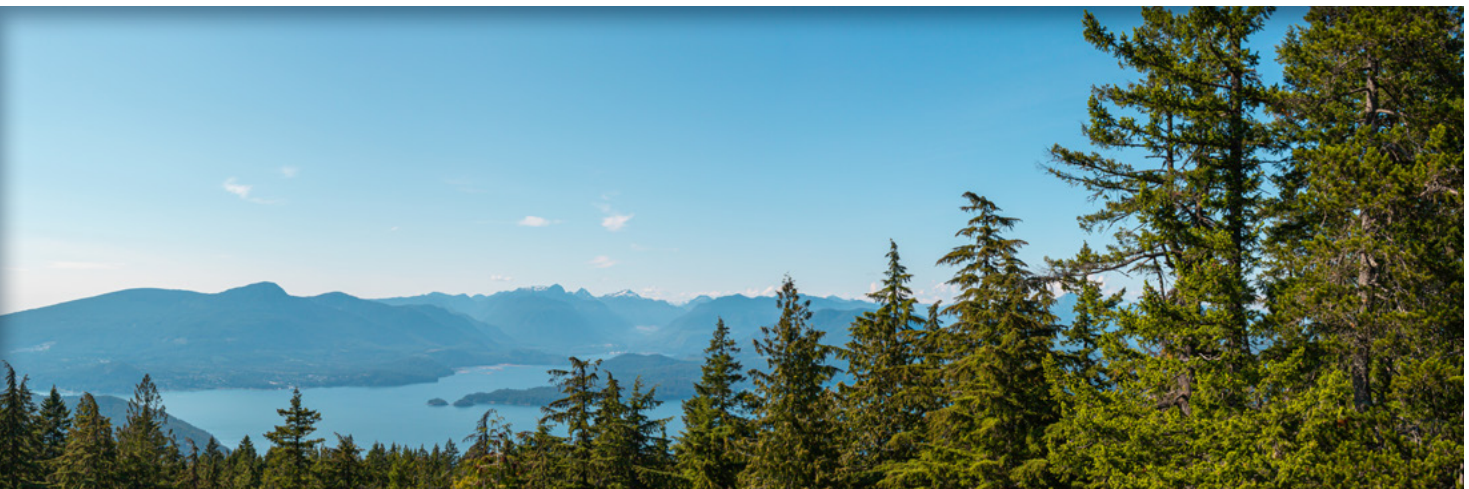
Since the *Declaration on the Rights of Indigenous Peoples Act* was passed in 2019, British Columbia has led the way in this work, but it is complex, challenging and takes time. Progress must continue so that every piece of legislation and amending legislation meets *DRIPA* requirements.

Collaboration with Indigenous peoples and committed government agencies must be meaningful. Effective legislation involves ongoing training for government workers who handle consultations, communication and implementation of changes. Investing the time and effort to make changes properly now will reduce the risk of needing to fix issues later.

## Recommendations

CBABC recommends that the B.C. government continue to advance Reconciliation in tangible and measurable ways by collaborating with Indigenous people to ensure the laws of British Columbia are consistent with *UNDRIP* and *DRIPA*.

Implementing changes to our laws must also involve continued education and communication about why Reconciliation matters and how changes to British Columbia's laws align with that goal.



# Justice System Data Collection & Disclosure

The justice system is far behind the education and health care systems in B.C. when it comes to how data is collected and disclosed. The biggest gaps in data collection relate to the experience of minority groups, including:

- Indigenous, Black and other racialized groups
- Lesbian, gay, bisexual, transgender, queer, two-spirit, intersex, non-binary, and other sexual orientations, gender identities and gender expressions
- Persons with disabilities
- Francophones and others with a primary language other than English
- Other socioeconomically vulnerable communities

**'Disaggregated data' is data divided into sub-categories. More detailed data leads to a better understanding of challenges and better resource allocation.**

Instead of protecting minority groups, a lack of data means we can't identify and understand the issues that lead to systemic inequalities. Because these groups have been historically marginalized, building trust and confidence is necessary so that people feel comfortable disclosing their information. Care should be taken so that this process is not stigmatizing, disclosure is voluntary and information is kept confidential.

## Recommendations

CBABC recommends the B.C. government establish data collection and disclosure standards across government agencies to identify and address major inequalities in our justice system. Collecting quality data, including disaggregated data, around the demographics of British Columbians who interact with the justice system will provide the government and other stakeholders with the information needed for reform.





## Restoring public confidence

Increasing the public's faith in the legal and justice systems starts with a firm commitment to the rule of law. Independent judges and lawyers, free from political influence and public pressures, are essential to ensuring fairness and impartiality. Safeguarding this independence and ensuring the timely appointment of judges to British Columbia's courts reassures the public that cases are resolved efficiently and justly.

The justice system is designed to be a level playing field where individuals can resolve disputes and secure fair outcomes. Providing the public with the knowledge and training to navigate legal challenges, along with court spaces that prioritize safety and dignity, will further strengthen trust in the systems.

# Upholding the Rule of Law

We can think of laws as rules that we all have to play by. These rules guide how we work, how we live and how we interact. The “rule of law” keeps order and promotes prosperity in our communities. No person, government or corporation is above the rule of law.

It's the job of all justice system players to ensure the rule of law is followed. A government's duty is to set the law. A judge's duty is to interpret the law, apply it to the facts presented, and make impartial and fair decisions. The police gather evidence and propose criminal charges. A prosecuting lawyer's duty is to look at proposed criminal charges and evidence to determine whether there is a substantial likelihood of a conviction. If so, they must determine if the public interest requires a prosecution. They then present the evidence to the court. A defence lawyer's duty is to represent a client's interests and tell their side of the story.

The rule of law applies to every part of our justice system, not just the criminal justice system. Everyone, including businesses, First Nations and governments, count on legal advice from a lawyer whose duty is to represent their client's best interests and no one else's, whether those interests are in land and resource development, corporate mergers or inheritances. The rule of law only works when each player does their job and respects each other's position.

To maintain a functioning democracy, lawyers and judges operate separately from government. These concepts are known as “lawyer independence” and “judicial independence”. This independence benefits the public because it means lawyers will only look out for their clients. When in court, people know that the judge will act fairly, impartially and without pressure from politicians or powerful forces.

In May 2024, the B.C. government passed legislation that creates a new regulatory model for lawyers, notaries and paralegals. The stated objectives are to modernize regulation and increase access to legal services. CBABC supports these objectives as long as lawyers remain independent from government influence. Lawyers, including those employed by government, rely on their professional independence to provide frank and unbiased legal advice and to advocate without fear of political pressure.

Government and public commentary criticizing judges who make decisions based on the law and facts of the case undermines judicial independence. These unfair attacks weaken respect for the rule of law and put democratic stability at risk.

British Columbians can only be confident that the justice system is fair and unbiased when lawyer and judicial independence is protected.



## Recommendations

CBABC recommends that the B.C. government:

- Promote and protect judicial independence by respecting the appointment process, providing fair compensation, and supporting the court's administration.
- Promote and protect lawyer independence by amending the *Legal Professions Act* to achieve lawyer self-regulation.

# Safe and Livable Communities

British Columbians want safe, strong and more livable communities. Repeat offenders for crimes like mischief, theft and assault cause harm to businesses and their customers. And violent offenders scare communities.

Many believe that repeat offending could be addressed through jail terms before conviction or longer sentences after conviction. However, lawyers and judges involved in these cases have a duty to follow the law, including the fundamental presumption that people are innocent until they are proven guilty.

The government needs to address the underlying issues that cause crime, such as inadequate services to address substance use disorders and mental health issues, housing unaffordability and poverty. More needs to be done to tackle these crippling social issues that lead to crime and to stop repeat offenders in their tracks.

People who are released after incarceration end up returning to precarious housing and even homelessness due to a lack of resources put in place to help them. This absence of support systems immediately after their release puts people at risk of reoffending. Health services in the province also fall short of helping people with mental health and substance use disorders, some of whom also present violent behaviors. Resources to assess and treat people are insufficient and fail to keep them out of the criminal justice system. Small communities have even fewer resources to manage similar health and safety concerns.

Government investment in critical social services supports the health and well-being of British Columbians, keeping people out of trouble with the law and enhancing safe and livable communities.

## Recommendations

CBABC recommends that the B.C. government:

- Fund social programs and other resources that address underlying issues that bring people into the criminal justice system, rather than expecting the system alone to solve B.C.'s social issues.
- Address housing, affordability, poverty, mental illness and addictions through both preventative and responsive services that will substantively address the conditions that give rise to criminal behaviour.



# Timely Justice

Judges make important decisions on the innocence or guilt of people accused of crimes. They interpret the law and determine legal rights and responsibilities between people, businesses, government and others who have disputes.

British Columbia needs to have enough judges to hear cases and resolve disputes promptly. A shortage of judges means people must wait a long time for a court date and even then, they often get bumped. Issues stay unresolved for longer. Costs are higher, and there is more stress for the people involved.

Families experience significant stress when faced with delayed decisions on who will care for their children and how costs will be shared. Companies might decide that B.C. is not a good place to do business when disputes cannot be resolved quickly. Individuals incur more financial costs than expected and sometimes can't afford to see the process through. Cases against accused criminal offenders are thrown out after unreasonable delays when no judges are available to hear them. It doesn't take long for those involved to lose faith in the system.

**A hearing or trial is “bumped”, meaning rescheduled, when not enough judges, sheriffs or court clerks are available on the scheduled court date.**

Part of efficient and effective government is an efficient and effective justice system. When judges retire, the prompt appointment of new judges to B.C.'s courts can help restore waning public confidence.

## Recommendations

CBABC recommends that the B.C. government:

- Appoint judges and judicial justices to the Provincial Court of BC to promptly fill vacancies.
- Encourage the federal government to promptly appoint justices to the Supreme Court of BC.

# Safe Spaces to Support Justice

Outdated and deteriorating courthouses put the judiciary, tasked with ensuring safety and comfort in its spaces, on the back foot.

British Columbians attending court do not have access to life essentials. Abbotsford courthouse does not have clean drinking water, and the Victoria courthouse is falling apart. People may not be aware that they could spend long days in court without access to food and water.

The shortage of safe spaces causes discomfort and compromises safety. In B.C. courts, survivors of violence might share waiting rooms with their attackers. As women and families seek to permanently escape domestic abuse, separate waiting rooms, interview rooms and entrances/exits help reduce intimidating and potentially harmful interactions. Courthouse spaces for childcare can help survivors of violence who would otherwise need to pay for childcare to attend court.

Courthouses also lack private spaces, pushing lawyers to meet clients outdoors for confidential conversations regardless of the weather. Short on time, legal aid lawyers meeting clients at the last minute do not have private spaces, impacting the effectiveness of their work.

**Over 40% of surveyed survivors of intimate partner violence indicated safety concerns while attending the courthouse.**

*RISE, 2019*

Enhancing confidence in the justice system involves ensuring positive and safe courthouse experiences through improved physical infrastructure.

## Recommendations

CBABC recommends the B.C. government provide adequate funding and support to improve the physical infrastructure of courthouses across the province.

# Law as a Life Skill

“Law should be seen as a life skill, with opportunities for all to develop and improve legal capabilities at various stages in their lives, ideally well before legal problems arise. Law is a fact of life in the 21<sup>st</sup> century. Almost everyone will experience a legal problem at some point in their lives, but until that happens, most people don’t know what to expect from the justice system, the benefits of different paths and legal services and so on. ... Building legal capability involves knowledge, skills and attitudes. Teaching law as a life skill also helps to cultivate trust and confidence in the justice system.”

*Canadian Bar Association, Reaching Equal Justice*

In British Columbia, Kindergarten to Grade 12 public education does not provide students with the practical knowledge they need to deal with the real legal problems they will encounter in their daily lives. They do not learn about their rights and responsibilities in core life areas such as housing, employment and intimate partner relationships. They need to build basic communication skills to ask questions and explore solutions.

By building these life skills early, British Columbians can assert their rights as renters or employees, navigate relationship breakdowns, assist elderly relatives navigating healthcare decisions, and fulfill their legal responsibilities with less conflict.

The need for education about the law isn’t limited to our younger citizens. Ongoing opportunities to build legal capability should be available at any time. Whether funding independent public legal education and information providers or connecting citizens to legal information when they use public services, the government can support newcomers to British Columbia, people experiencing life transitions, and more.

When people develop legal capabilities, they can avoid some legal problems and resolve others. This gives them greater control over their own lives and limits the pressures on B.C.’s dispute resolution systems.

## Recommendations

CBABC recommends that the B.C. government:

- Provide K-12 education on citizens’ rights and responsibilities under family, tenancy, employment, criminal and Indigenous laws.
- Increase access to legal information when and where citizens use government services.



## An advocate for change

Members of the Canadian Bar Association in British Columbia have unique insight into the justice system and the impact our laws have on people's lives.

CBABC members practice at the forefront of the justice system, providing services to British Columbians in every area of law. We witness and share their business challenges and personal crises. As the voice of the legal profession in Canada, the Canadian Bar Association represents 40,000 lawyers, judges and law students, including 8,000 members here in B.C. The CBA is a strong advocate for the public and an important resource for governments on justice issues and legislation.

We are committed to justice made accessible by breaking down cost barriers and to restoring British Columbians' confidence in fair legal and justice systems led by independent legal professionals.

The B.C. government can improve the daily lives of British Columbians and bring down costs, ensure safe communities, build stronger relationships with Indigenous peoples, and strengthen efficient governance.

We hope **Agenda for Justice 2025** will inspire action to address these pressing challenges CBABC members welcome the opportunity to discuss our recommendations and answer questions.

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# Background Reading

## Making justice affordable

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