



THE CANADIAN
BAR ASSOCIATION
British Columbia Branch

**Submissions at the Public Hearing of the
Select Standing Committee on Finance and Government Services**
June 8, 2020, 5 minutes, written submissions to follow

Who We Are

Mr. Chair, Committee Members, thank you for the opportunity to address you this afternoon. My name is Jennifer Brun and I am the First Vice-president of the Canadian Bar Association, British Columbia Branch. CBABC has over 7,000 members who are lawyers, judges, and law students working throughout our Province. We are small business owners or employees of those businesses. We are provincial government lawyers, federal government lawyers in BC; and in-house counsel in BC's key corporations including ICBC, TELUS, and BC Hydro.

Lawyers are designated non-health, essential service workers during the COVID-19 state of emergency. As part of the public safety infrastructure, lawyers have continued to work in the courts on urgent and essential matters during the emergency state, including:

- family matters relating to safety due to a risk of violence or immediate harm, the risk of removal of a child from the jurisdiction, and the well-being of a child;
- civil matters relating to public health and safety including quarantine orders, refusal of treatment and end-of-life matters, detention of individuals under the *Mental Health Act*, adult guardianship and committeeship matters, housing evictions, restraining orders, and urgent injunction and insolvency matters; and
- criminal matters relating to judicial interim release and bail review hearings; detention review hearings; *habeas corpus* applications for unlawful detention, and applications for search and arrest warrants, to name a few.

Additionally, lawyers have worked tirelessly to support business, construction, and real estate industries during the pandemic, to keep those important divisions of the economy

functioning as efficiently as possible. British Columbians continue to seek legal advice and representation from lawyers as they face employment and housing challenges, need to amend parenting arrangements and child support payments, and plan their estate matters. Being on the front lines, assisting British Columbians through these tumultuous times and the associated legal issues arising, CBABC members know where money needs to be spent to increase access to justice as an essential service for the public.

Our Answer to your Key Question

Today I will speak about a single priority for funding that will help make life better for British Columbians.

We ask you to allocate funding and accelerate the work of the [Court Digital Transformation Strategy](#), to enable British Columbians – no matter where they live – to access the courts and justice services using digital technology. This includes providing British Columbians in smaller and remote communities, including Indigenous communities, with publicly accessible spaces to digitally access the courts and justice services.

Court Digital Transformation Strategy and Why It Matters

The Court Digital Transformation Strategy was announced last fall following a year's worth of development by representatives from the Court Services Branch; all three levels of our Courts; and users of these services including Indigenous peoples, lawyers working in the Courts, and the Office of the Chief Information Officer.

In Budget 2020, a small amount was allocated to the implementation of this Strategy.

The Strategy incorporates:

- remote appearances via phone and video for pre-trial hearings in criminal, civil, and family matters;
- digital information-sharing platforms, so that the system is not reliant on paper documents; and
- a digitally-skilled workforce, which requires training of the existing workforce and establishing new jobs for people with digital skills to support the justice system.

The Chief Justices and Chief Judge of all three levels of court support the Strategy. This is important. When the participants in our complex justice system, which includes an independent judiciary, agree on a plan, it shows a readiness to move forward in a coordinated fashion.

So why is CBABC asking you to make this a priority? It is because the Digital Transformation Strategy is needed to increase public confidence in our justice system, to improve access to justice, and to make efficient use of the limited resources available.

For the past 15 weeks, to maintain health and safety during an unprecedented pandemic, our court system had to significantly limit the number of people accessing and working in our courthouses. To do this, the courts restricted the services provided, because they do not have a sufficient digital infrastructure to conduct all types of court proceedings virtually.

We are fortunate that some parts of the system have some digital tools, which have been expanded and adapted for urgent and essential proceedings. However, let me be very clear, this is not at the level required or expected by the courts, the legal profession, or the public.

The answer to this problem is to fully fund the Digital Transformation Strategy now. We need it so parents who cannot agree on a parenting schedule for their children, can make a video appearance before a judge who will decide the matter. We need it so the young offender charged with mischief for damaging a business storefront, can make amends in a restorative justice program offered via video. We need it so those charged with a criminal offence do not have to be transported to a courthouse to get legal advice

before a court appearance; instead, they can speak with their lawyer via private and secure phone or video. We need it so we can efficiently work through the 4,000 plus matters that have been adjourned in our Supreme Court, since March 18, 2020.

Conclusion

In conclusion, we acknowledge that the justice system is not something you hear about from your constituents very often. However, when someone needs to use the system or is unexpectedly brought into it, the system needs to be functional and accessible. That means government needs to make sustained investment as part of its duty to keep peace and order, a successful economy, and a thriving society.

Thank you for your time. I am pleased to respond to any questions you may have.