



**THE LAW COURTS
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MESSAGE FROM THE CHIEF JUSTICE OF THE SUPREME COURT OF BRITISH COLUMBIA

On March 18, 2020 I announced the suspension of the Supreme Court's regular operations in criminal, civil and family matters to protect the health and safety of court users and to help contain the spread of COVID-19. The Court shifted its focus and efforts to ensuring that it could continue to provide for the adjudication of urgent and essential matters including bail, detention reviews, family law applications (e.g., parenting time and support issues), protection orders, emergency health care orders, preservation of property, etc.

Since then, the Court, supported by its judicial staff and by other courthouse staff, have worked tirelessly to expand the types of hearings that can proceed including developing a process for single issue applications to be dealt with by telephone conferences and to expand the use of applications by written submissions. The Court has also continued to conduct a variety of pre-trial conferences in criminal, civil and family proceedings and continues to explore options to provide more services that do not jeopardize the health and well-being of court users including the use of web-based videoconferencing solutions.

The Court has long been aware of the need to upgrade court technology in order to increase the Court's ability to provide remote and online access to justice. Over the years, numerous and repeated requests have been made to government to make the necessary and appropriate investments in this area. Prior to this pandemic, the Court was working with the Ministry of Attorney General to develop a digital strategy for the courts which had a timeline of three to four years for full adoption. COVID-19 has certainly highlighted the urgent and pressing need to compress that timeline. To date, however, request for the financial investments necessary to make the strategy a reality have gone unanswered.

The Court faces many challenges in adapting its processes to realize the efficiencies promised by the increased availability of electronic filing and tools such as videoconferencing technology and evidence presentation systems. The lack of sufficient and effective tools has been hampering the Court's ability to adapt its processes. Prior to and since the outbreak of the pandemic, the Court has been investigating new and different ways to employ technology to conduct hearings, receive evidence and documents and to facilitate access to the Court's proceedings for the public and media. The COVID-19 pandemic accelerated the Court's efforts in this area, but the work has been ongoing for some time.

I am acutely aware of the tremendous hardships that the suspension of regular operations causes for court users most notably accused persons and litigants.

The decision to suspend regular operations was a difficult one. The Court has a constitutional obligation to provide access to justice; however, the unprecedented public health concerns meant that the continued attendance of the public to serve on jury trials or as parties, witnesses or counsel was untenable. I am also mindful that the suspension of regular operations has created a backlog of adjourned cases which gets larger every day. The Court continues to do all that it presently can do, to move matters forward. Some hearings have proceeded with appropriate physical distancing measures put in place or by teleconference or video. In exploring the ways to increase the public's access to the Court during the pandemic, there are legislative requirements that limit the Court's options to adjust its processes (e.g., requirements in the *Criminal Code*). Despite these limitations, the Court has and will continue to work to increase its capacity to conduct virtual proceedings by video and telephone in order to allow the members of the Court to hear matters remotely.