OVERVIEW OF THE LEGAL PROVINCIAL AND FEDERAL COMMITTEES IN RESPONSE TO THE COVID-19 PANDEMIC

BY ELISABETH A. SADOWSKI

n April 24, 2020, the Ministry of the Attorney General of BC announced the formation of two advisory groups in response to the COVID-19 pandemic in order to "help government support courts and tribunals in delivering services as effectively as possible during the pandemic and in minimizing its impact on the justice system."

The two advisory groups included the Justice COVID-19 Response Group and the Cross-Jurisdictional Technical Advisory Group. In addition, on May 8, 2020, the Honourable David Eby, QC, Attorney General of BC, announced his participation in the Action Committee on Court Operations in Response to COVID-19, bringing together chief justices and other public officials across Canada to address similar issues as the provincial groups.²

THE JUSTICE COVID-19 RESPONSE GROUP

The first group, the Justice COVID-19 Response Group, establishes "a structure for regular discussions that have been taking place between the courts, legal stakeholder groups, and Ministry of Attorney General staff as they respond to urgent and arising issues in the court system."³

The response group includes TLABC as well as members of the judiciary (the Honourable Robert Bauman, Chief Justice of BC, the Honourable Chief Justice Christopher Hinkson, Chief Justice of the Supreme Court of BC, and the Honourable Melissa Gillespie, Chief Judge of the Provincial Court of BC), the Law Society of BC, the Canadian Bar Association BC Branch, Ending Violence Association of BC, the Canadian Mental Health Association and several other legal stakeholder groups across the province.

Meetings are chaired by Richard Fyfe, QC, the Deputy Attorney General for BC and typically include at least 50 other individuals. In my leadership role as Second Vice-President of TLABC, I participate in the meetings, which present an update from the three levels of Court, the Cross-Jurisdictional Technical Advisory Group (see below), with an exchange of ideas on how best to address current court backlogs. Fyfe has also developed three working groups: virtual hearings, the expanded use of alternative legal services and alternative dispute resolution.

TLABC has provided informal submissions, such as developing an online platform for trial scheduling and requiring jury fees to be paid 90 days ahead of trial in order for parties to be aware at the Trial Management Conference whether or not a jury will be used.

These informal submissions still need to be thoroughly reviewed and discussed for feasibility with members of the government and the judiciary.

THE CROSS-JURISDICTIONAL TECHNICAL ADVISORY GROUP

The second advisory group formed by the Ministry of the Attorney General includes the Cross-Jurisdictional Technical Advisory Group with the intent of "recommending best practice technology and other measures that can reduce backlogs and deliver access to justice to British Columbians during and post-pandemic." The group is led by former Deputy Attorney General of BC, Allan Seckel QC, and members includes the Right Honourable Beverley McLachlin, former Chief Justice of the Supreme Court of Canada and the Honourable Thomas Albert Cromwell, former Justice of the Supreme Court of Canada, among others.

THE ACTION COMMITTEE ON COURT OPERATIONS IN RESPONSE TO COVID-19

At the federal level, the Right Honourable Richard Wagner, Chief Justice of the Supreme Court of Canada and Chairperson of the Canadian Judicial Council, and the Honourable David Lametti, Minister of Justice and Attorney General of Canada, are chairing the Action Committee on Court Operations in Response to COVID-19. The work of the federal committee covers the "immediate need to restore and stabilize court operations, including the resumption of in-person judicial processes and hearings. It will also facilitate information sharing and identification of common principles and best practices." In addition, the focus will also be on "developing court-specific health and safety guidelines that can be adapted to the needs of individual courts and communities."

FINAL THOUGHTS

TLABC leadership will continue to engage with government and the judiciary on issues addressing the Courts' backlog during and after the pandemic, along with updating our membership on any developments. V

- 1 Attorney General, AG provincial representative on federal COVID-19 court initiative, online: <news.gov.bc.ca/releases/2020AG0026-000842>.
- 2. Ibid.
- 3. Ibid
- Attorney General, Provincial justice system advisory groups established, online: <news. gov.bc.ca/releases/2020AG0032-000747>
- Attorney General, AG provincial representative on federal COVID-19 court initiative, online: revs.gov.bc.ca/releases/2020AG0026-000842>.
- Department of Justice Canada, Chief Justice of Canada and Minister of Justice Launch
 Action Committee on Court Operations in Response to COVID-19, online: <www.
 canada.ca/en/department-justice/news/2020/05/chief-justice-of-canada-and-ministerof-justice-launch-action-committee-on-court-operations-in-response-to-covid-19.
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