



An Overview of Your Options for Legal Representation

Family and Civil Law

In a family law or civil case (for example, if you are suing someone for an injury) you can either hire a lawyer to represent you or you can represent yourself.

It is best to hire a lawyer if you can afford to. They understand the legal system well and can manage many aspects of your case. They will know the normal procedures for a case, are aware of important deadlines, can file the documentation for a case properly, will know the relevant law, and can advocate for your case. This can be very helpful for getting things done in the correct order and on time. It can be difficult to navigate the legal system without legal expertise. However, unless you are [eligible for legal aid](#), you will need to pay that lawyer to represent you, which you may not be able to afford.

Many people cannot afford to hire a lawyer and will represent themselves at court. Other people don't want a lawyer and choose to represent themselves. Whatever the reason for not hiring a lawyer, these people are called "self-represented litigants" or "unrepresented litigants". The term "self-represented litigant" suggests that there is a choice to be self-represented. However, self-represented litigants often don't have a choice and are forced to represent themselves - the term "unrepresented litigant" may be more appropriate.

If you are representing yourself, you will need to learn some things about the rules of the court where your case is filed, what documents you need to file, how to properly file documents, what evidence is allowed, the laws related to your case, and what you will need to prove your case. It is important to learn the rules because there can be strict deadlines and procedures that must be met for many issues in your case.

In some cases, you may be allowed to have a support person, called a McKenzie friend, who is allowed to sit with you when your matter is being heard in court and can take notes or help you organise your documents. This person will not be able to talk to the court on your behalf. You may also bring a support person to sit inside the courtroom.

If you can't afford a lawyer, you might be able to get free or more affordable legal advice from a variety of organizations that provide legal education, information or advocacy to people involved with the justice system. For a selection of resources available in British Columbia, see [here](#). In some family, child protection, criminal and immigration law cases, you may be able to apply for legal aid to pay for a lawyer. You can find more information about legal aid [here](#). Some help is also available from duty counsel. Duty counsel are free lawyers that are in the courthouse to provide limited help with some



legal issues for family and criminal issues, and for some civil matters in the Supreme Court or the Court of Appeal in Vancouver.

When you are in court, the judge may try and help you understand the procedures and may ask you questions, or help you understand the courts by explaining the rules to you. However, the judge cannot give you advice about your case.

You will need to do research yourself on the proper [courts' webpages](#), legal libraries like the [Courthouse Libraries of BC](#), legal databases like [CanLII](#), or access other [legal organizations](#) that provide information about the law or how to navigate the courts. To understand the steps of a typical civil or criminal case, click [here](#).

Criminal Law

As a victim of a crime, if you want your case heard in criminal court, you will need to report what happened to you to the police. This may lead to a person being charged. If that person pleads “guilty”, the matter will go straight to a sentencing hearing. If that person pleads “not guilty” there will be a criminal trial.

Unlike a civil or family trial, you are not a party in a criminal case – you are a witness. The case is between the person who is accused of breaking the law and the government, who is called the “Crown” in criminal cases. The Crown will be represented by a lawyer who is called a Crown attorney or Crown counsel. You will provide evidence to the police and may provide additional information to the Crown attorney or the court, and the Crown attorney will prosecute the case. In most criminal cases, the victim of a crime will not need to hire a lawyer and will not have legal representation during the case.

However, in some cases, a victim may want to speak to a lawyer or someone who understands the legal system, like a victim service worker, before reporting the crime to the police and/or during the case. This can help ensure that you bring the proper evidence and information when you speak to police so that they can lay a charge and assist you with a criminal case.

You may be entitled to a lawyer as a victim in a criminal trial

Under s. 3 of the *Victims of Crime Act*, you can make a request to the provincial Attorney General to have a lawyer represent you at the criminal trial if there has been an application for a disclosure of information related to your personal history and you can't afford a lawyer to represent you. This occurs in cases involving certain sexual offences listed under 278.1-278.9(a) of the *Criminal Code*. If one of the lawyers in the case asks for a copy of your personal information, you have a right to have a lawyer talk to the judge about your rights and interests in relation to that information. This is provided to you free of charge. For example, the lawyer might argue that your personal counselling records are not relevant to the trial and should not be provided. If you are seeking to have your personal records protected after



the accused has made an application for disclosure, you are eligible for free legal representation by calling Legal Aid. You can ask for assistance in defending against a third-party records application, which is sometimes called an “O’Connor” application.

Victims’ Rights in Criminal Trials

In criminal cases in British Columbia, your rights are protected under the British Columbia [Victims of Crime Act](#) and the [Canadian Victims Bill of Rights](#). As a victim, you have a right to be treated fairly and with respect by people working in the criminal justice system.

Under the *Victims of Crime Act*, you have specific rights related to:

- Information about your rights as a victim;
- Information about the offence;
- Your privacy;
- Financial assistance and benefits available to you; and
- Your right to provide a victim impact statement.

Under the *Canadian Victim Bill of Rights*, you have specific rights related to:

- Information about the criminal justice system;
- Your protection;
- Your right to participate in certain parts of the case; and
- Your right to restitution.

For more information on what those rights are, see this [Know Your Rights](#) tips sheet.

Local organizations, like women’s centres, anti-violence organizations, or the local police may have victim services programs that can help explain the criminal system to you. These resources can help you prepare your case and inform you of the relevant evidence and information to give to the police or the Crown attorney.

You can also call or text [VictimLink BC](#) 24 hours a day/7 days a week to ask about information on victims of crime. This service can also refer you to victim services in your area. You can contact this support service here:

- Call toll-free or text at 1-800-563-0808
- TTY (for collect calls, call TELUS Relay Service at 711) by phone at 604-875-0885

This overview is written to assist victims of technology-facilitated violence navigate the legal system. However, if you are charged with a crime you will also need legal help. You may apply for legal aid, hire a lawyer, or represent yourself in court. If you are denied legal aid and cannot afford a lawyer you can also bring an application called a “Rowbotham application” to ask the judge to order the government to pay



for you to have a lawyer. See the section on family and civil law, included above, on how to decide whether to hire a lawyer. You can find more information about legal aid [here](#). You may also be eligible to receive legal information and advice from duty counsel.

Technology Safety Project

This document is a part of a series that details how to preserve evidence related to the misuse of technology in experiences of domestic violence, sexual assault, and stalking. The series is part of the [Preserving Digital Evidence of Technology-Facilitated Violence Toolkit](#). This document, or any portion thereof, may be reproduced or used in any manner whatsoever as long as acknowledgment to the BC Society of Transition Houses is included in the product.

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