



**Court Watch Project Report**  
May 2024

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PBSC is an award-winning law student program that provides legal services free of charge to organizations and individuals in need across Canada. The program offers invaluable hands-on experience to student volunteers and high quality, professional legal assistance to organizations.

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The BC Society of Transition Houses is a member-based, provincial umbrella organization that, through leadership, support and collaboration, enhances the continuum of services and strategies to respond to, prevent and end violence against women, children and youth.

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<sup>1</sup> We would also like to thank Raji Mangat of West Coast Leaf for her invaluable feedback and participation in this project.

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## **INTRODUCTION**

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Navigating the legal system can prove challenging even for those who are familiar with its intricacies. Many of those who find themselves in court to resolve a family law matter may very well be appearing in court or engaging with the legal system for the first time. Where the family includes dependent children, the dissolution of a marriage or conjugal relationship often requires consideration about custodial arrangements for children. This can be a challenging dynamic to navigate even under the most ‘amicable’ conditions, but the addition of barriers such as cost and logistics, or the presence of indicia of marginalization, such as race, socio-economic status, or ability, makes navigating the system even more difficult.

For this project, we went regularly, starting in November of 2023 until February of 2024, to watch family court matters at the Robson Square BC Provincial Court, and record our observations. Most often we went Monday afternoons, watching trials and list days for family matters. We were unsure what would be available to observe in the court till we arrived, given the limited information available on the court website. We observed a variety of family matters, including custody arrangements, parenting time, spousal and child support, paternity tests, and approval for matters such as travel and passports. Most of the matters observed were on list or remand days, however we were also able to view a hearing regarding custody arrangements. We observed several different judges, all of whom were female. We observed self-represented litigants, those with hired lawyers and those being assisted by duty counsel.

After our experiences and observations, we chose to focus this paper on access to justice, particularly for those without the means to acquire a lawyer, or who may face other barriers due to their personal circumstances, such as being a member of a marginalized group. This paper will identify some of the strengths we observed in the courts, the accessibility challenges we observed and finally some proposed solutions.

## **POSITIVE OBSERVATIONS**

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### **I. Availability of Translators**

One major barrier to accessing justice is language. In British Columbia, the vast majority of legal matters are conducted in English, and most of the information available to litigants both in and out of courthouses is provided only in English. For those who are not fluent in English, navigating the court systems can be particularly challenging. Interpreters are one important tool to help bridge this gap, as they help to translate both

what the party wishes to communicate and assist them in understanding what is occurring in the courtroom. During our observations, we did not observe any matters being adjourned due to lack of translators. On several different occasions we observed language interpreters, who spoke Spanish, Japanese and Chinese in the matters observed, being made available for those who needed them. This helped to ensure that those who spoke other languages still fully understood and were able to partake in the legal process. In one observed instance, as a trial was being booked where one of the parties involved had used an interpreter already, the judge noted the need of an interpreter for future court appearances without the party needing to ask. On another court day, the mother was appointed an interpreter for a future trial, despite the matter not explicitly involving her, so she could remain informed. The availability demonstrated an awareness of the needs of parties who do not speak English as a first language and contributed to equal accessibility to the courts.

## **II. Access to Duty Counsel**

The positive impact of duty counsel was clear and direct in our observations. Based on our observations, not all – but a majority – of those who had business before the court took advantage of the option to speak with the available duty counsel and solicit whatever advice duty counsel was able to offer based on their limited time and understanding of each individual case. On each remand day that was observed, two duty counsel lawyers were present and available to assist parties with the formalities, paperwork, and representation in their legal proceedings.

However, there are clear and obvious limits to duty counsel. Each and all of the duty counsel lawyers we observed were juggling a number of matters, and were often learning the facts of a case immediately before it was heard by the court. Even legal matters which may be deemed “simple” on a relative spectrum often immensely benefit from being evaluated and advocated by those who have the proper legal knowledge. For as necessary and valuable a service they offer, duty counsel only have so much ability to offer these clients the best representation possible when they do not have the benefit of longevity and familiarity with the facts of a case.

## **III. The Court’s Recognition of the ‘Best Interests of the Child’**

Another strength that was observed was the judge’s focus prioritizing the best interests of the child. In several matters we observed, the court ordered parents not to speak of court matters with their children and/or not to speak poorly of the other parent. Other orders involved some leeway for children, especially older ones, to decide how they spent time with each parent, or to gradually begin spending time with a parent after

a period of strife. Likewise, judges generally made an effort to ensure children had time with both parents, in a way that best suited the unique circumstances, such as by ordering supervised parenting time. However this was not always the case, we observed two matters where contact with the father had been limited at the request of the mother due to family violence. There was also a focus on settling matters as soon as possible to ensure that the children involved were able to have stability.

Issues concerning contact with and the care of children by their parents dominated the cases we observed. In many cases, the court made a point to parents that the children involved were not to be made aware of the legal issues surrounding their custody to limit the unfair burden of asking children to make adult decisions. Unfortunately, this is not always presented as a viable option. A 2017 survey conducted by the Canadian Research Institute for Law and the Family offered an exhaustive list of ways in which a child's perspective may be involved in the legal process including but not limited to: testimony and reports prepared by mental health professionals, appointment of children's counsel, affidavits and/or oral evidence of children, judicial interviews of children, and custody/access reports prepared by mental health professionals or court-attached counselors.<sup>1</sup>

To this point, we observed two instances where children were represented by their own lawyer. The child's lawyer was an advocate for the child's best interest when the parents were less focused on doing so. Given the limited nature of the list day, and the part of the trial we observed, it was not possible to determine why lawyers had been appointed in these instances. Generally, there are two main pathways for children to have their own lawyer, either if they seek out one themselves, such as with the help of the Society for Children and Youth of BC or if they are appointed a lawyer by a judge<sup>2</sup>. Lawyers from the Society for Children and Youth can become involved if a child, or an adult on their behalf reaches out, or they can become involved at the request of a court<sup>3</sup>. A court can appoint a lawyer if conflict between the parties is so severe that it significantly impairs the capacity of the parties to act in the best interests of the child, and appoint a lawyer is necessary or protect the best interests of the child<sup>4</sup>. The possibility of having a lawyer can reduce the barriers for children having their unique interests represented.

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<sup>1</sup> Joanne J Paetsch, Lorne D Bertrand and John-Paul E Boyd, QC, Children's Participation in Justice Processes: Finding the Best Ways Forward, Results from the Survey of Symposium Participants, Canadian Research Institute for Law and the Family, 2017 CanLII Docs 328, <<https://canlii.ca/t/29mc>>, retrieved on 2024-01-15

<sup>2</sup> *Family Law Act*, SBC 2011, c25, s203

<sup>3</sup> Society for Children and Youth BC. "Child and Youth Legal Centre", online: *Society for Children and Youth BC* <<https://scyofbc.org/child-youth-legal-centre/#1510173086979-2aa4732e-327b>>

<sup>4</sup> *Ibid*

## **CHALLENGES:**

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### **I. Resource Limitations and Gaps in Representation Services**

While an important court resource, duty counsel does come with limitations when compared to full-fledged legal representation. Duty counsel are able to help anyone on first appearance days provided they have the time, but they are meant to give priority to those who, for emergency or financial reasons, most require their help<sup>5</sup>. There are also financial eligibility requirements to access more robust help from duty counsel lawyers outside of first appearance days<sup>6</sup>. In our observations, we did not see anyone who wanted to access duty counsel and was unable to do so, but due to the resource limitations, this is highly probable. Due to the high cost of legal representation, and the financial eligibility requirements for duty counsel, there are gaps between those who have no counsel or just brief advice from duty counsel, those who have the benefit of legal aid and those who are able to afford their own lawyer. Furthermore, even with full access to duty counsel, there are limits on what they can offer, and their services, while undoubtedly helpful, do not equate to a full lawyer representing a client<sup>7</sup>. In our observations, those with counsel, whether duty counsel or their own, often had more favorable results, were able to make clear arguments for what they wanted and seemed to better understand the proceedings as compared to self-representing parties. This can potentially create a discrepancy where only one party in a matter can afford or have access to a lawyer and may impact the outcome of the case.

### **II. Navigation of the Court House Space**

Navigation was one of the first and most pressing issues we observed. We found the exterior signage of the courthouse to be minimal and, as a result, it was difficult to quickly and clearly identify where we were supposed to go. Both inside and outside, there was nearly no staff around or available to assist with questions or provide direction to the proper areas of the building. Even as two law students, we spent a considerable amount of time wandering the floors and halls of the building. Through our review of previous reports prepared by students working on this project, this was a routinely expressed sentiment. Eventually, our wandering allowed us to locate the relevant courtroom which made subsequent visits smoother. However, the experience was time-consuming, stressful, and frustrating; factors that would only add immense stress to those who were at the courthouse for the purpose of appearing before a judge.

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<sup>5</sup> Legal Aid BC. "Duty counsel lawyers for family law matters", online: *Legal Aid BC* <<https://legalaid.bc.ca/services/family-duty-counsel>>.

<sup>6</sup> *Ibid*

<sup>7</sup> *Ibid*

As noted previously, we observed that interpreters are readily accessible within the court system, which is important for accessibility. However outside of interpreters, language remains an issue in terms of navigating the physical courthouse. Most signs, and postings including, critically, notice of which courtroom a party may be appearing in, are only posted in English. In a culturally and ethnically diverse metropolis such as Vancouver, courts must be accessible to all those who inhabit not only the city, but its surrounding areas. Per the City of Vancouver's 2021 census, it remains one of the most linguistically diverse urban centers in Canada with 44% of its residents having a non-English mother tongue, 26% reporting that they use non-English languages at home, and 6% do not have conversational knowledge of English.<sup>8</sup>

For those who may be interacting with the legal system for the first time in their lives, having to navigate an already complex system compounded with the difficulty of a language barrier presents a significant accessibility issue that must be addressed.

Based on our observations, another critical part of accessibility that had not fully been accommodated, was physical accessibility, particularly for people who use wheelchairs. We found the courtroom galleries in which we conducted our observations to typically have narrow benches that appeared as though they would be difficult to navigate for those who require the use of a wheelchair, walker, or some other form of walking aid. On one observation day, one party who appeared before the court required the use of a wheelchair, and because of a lack of available room, had no choice but to wait in the aisle between the benches until their matter was called. They appeared visibly uncomfortable as they were left with few other options than to sit right in front of the door that people were regularly entering and exiting the courtroom through.

Per the "Courthouse accessibility" page located on B.C.'s Provincial Government website, those who have accessibility needs for a court proceeding are required to have their accommodation approved by the judge, justice, master, or registrar of their particular court matter.<sup>9</sup> The webpage includes phone and email contact information for courthouse accessibility coordinators, however, this resource is of minimal assistance for those who face barriers to its access; notwithstanding those who may assume that as a government building, the courthouse would be readily able to accommodate accessibility needs on the spot.

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<sup>8</sup> City of Vancouver – Arts, Culture, and Community Services Planning, Urban Design and Sustainability, "Vancouver 2021 Census – Indigenous Peoples and Language data", Report: <https://vancouver.ca/files/cov/2022-10-17-city-of-vancouver-2021-census-indigenous-peoples-and-language.pdf>

<sup>9</sup> Government of British Columbia, "Going to court: accessibility" *online*: <https://www2.gov.bc.ca/gov/content/justice/courthouse-services/courthouse-roles/courthouse-accessibility>



### III. Navigation of the Legal System

In doing our research, we were able to access a number of online resources including a guide on B.C.'s website for the provincial court entitled *Preparing for a Family Court Trial in Provincial Court* which, among other things definitions of common legal verbiage, explanations for common court procedures, how one may adequately prepare for a trial, as well as information about relevant applications that may be filed during the course of litigation. As helpful as these resources were, finding and reading through them required a time-intensive search of the court's website and excludes from its reach those who don't have access to regular internet or perhaps lack the time or awareness to locate such a resource. Although regular, unencumbered access to the resources offered by the internet is a relatively pedestrian idea in an increasingly online world, many Canadians continue to lack adequate services. Many organizations including the BC Society of Transition Housing are working to recognize and close what is becoming increasingly recognized as a "digital divide". A "digital divide" is defined as "a systemic barrier" that stands in the way of establishing and maintaining "meaningful connectivity for communication, information and safety".<sup>10</sup> These divides have been shown to exacerbate pre-existing disparities based on various identities including – but not limited to – gender, race, socioeconomic status, rural/urban differences, citizenship, and age.<sup>11</sup>

In the alternative of online resources, our time exploring and navigating the courthouse exposed us to several postings and bulletins around the building itself, many of which actually contained highly relevant and helpful information. However, these were placed sporadically seemingly without much signage and seem to lack the centralization that one may expect such as an information desk. Additionally, as noted previously, the issue of language also appeared to be an issue here as we observed that many of these informative bulletins appeared exclusively in English.

Both at the courthouse itself as well as online, we observed limited readily-available information concerning the issue of filing paperwork with the court. For those who are self-representing, and do not have the benefit of a lawyer to guide them through the litigation process or file the proper motions on their behalf, this presents many opportunities for missteps and has a delayed effect on the court's efficiency. We observed several instances of court matters being delayed due to the proper forms not being filed, filled out incorrectly, or information missing from critical paperwork. During the course of our observations, we witnessed multiple parties who had business before

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<sup>10</sup> BC Society of Transition Housing. Report: "Connectivity and Violence against Women in British Columbia: TFGBV, barriers, impacts, and recommendations", October 2021.

<sup>11</sup> *Ibid*

the court requesting the judge's knowledge and assistance with filing their printed materials correctly. This poses a significant and obvious barrier to the efficiency of the court's both for those appearing before the judge at the time, as well as others whose matters are in the pipeline and wind up delayed.

#### **IV. Identification Issues**

One of the most fundamental and routine issues that we observed was parties to a case failing to have appropriate and valid forms of identification that would allow them to file official documents with the court. For better and for worse the use of technology is becoming increasingly important in the current legal system, and this is especially so since the COVID-19 pandemic. However, in many instances, the court still requires that certain documents be filed in person.

In one case, we witnessed a father who, due to not having proper identification with him at the time, was unable to file a motion with the court and therefore put a delay on his contestation of a protective order that prevented him from seeing his children. Being able to find and access, what one may think to be, simple forms of identification is a recognized barrier to the legal system that is attempting to be addressed by organizations such as Pro Bono Students Canada. For some, this may pose little to no issue at all. However, the issue of procuring the proper forms of identification is one that appears to disproportionately affect populations that are already particularly vulnerable. Certain groups who have historically faced additional barriers when engaging with the legal system— specifically those such as linguistic or financial ones – may prove to have difficulty with satisfying the court's requirements for the necessary documentation it requires; or even if they have the relevant items in their possession, they may not be sufficiently made aware of what will need to be provided on their day in court.

#### **V. Issues Relating to Technology and Virtual Accessibility**

Another challenge observed was the role of technology in the courtrooms. Since the Covid-19 pandemic, appearances via video conferences are more common. This form of accessibility can allow parties and lawyers to join from farther locations, accommodate incarcerated individuals or potentially allow for the balancing of other commitments. However, the video conference technology can lag, making it difficult for parties to communicate with the judge, or to properly hear what is going on. In one observed instance, the judge appeared to become frustrated with the apparent lag and how it impacted communication. There were also issues with connection and having those appearing via video calling appear at an appropriate time. Technology also can pose issues between parties. In one observed case, an individual was never served the

appropriate papers due to losing access to his email address, delaying the matter being resolved and causing confusion between the parties. While technology can be a helpful tool in court matters, it has created some new issues that have yet to be fully resolved.

Somewhat related to financial barriers is the issue of technology access. In recent years, many court matters are now being communicated online, such as serving parties or communicating court dates via email. One individual observed, who was low income, did not have access to a computer or cellphone, and said he did not know how to use them regardless, so was unable to receive communication via email. While it was possible to receive communications by mail, this potentially slows down communications. Furthermore, mail may not always be a viable alternative, particularly for individuals in more precarious housing situations. Having flexible options in regard to communication, as well as ensuring people have access to the internet if need be through various public resources such as libraries, would help to reduce this barrier. While internet access is typically available in public libraries in Vancouver, provided the service is available and there are enough computers, this information may not be readily available to litigants. This could be easily shared in the courthouse through posters or having court staff share the knowledge when it may be required. This lack of technology availability can also reduce one's ability to access information. In our observations and research, we found a lot of valuable information was only available on court or duty counsel websites, rather than in person. The solution to this is twofold; ensuring internet access, both in terms of devices and service, is available for those who need it, and having print copies of valuable information available in the courthouse itself. No one's outcome in court should be affected by reduced access to technology and the internet. As previously discussed, digital divides can disproportionately affect marginalized groups. It can also pose a challenge for those without technology experience, access to their own email address, their own phone or computer or other factors that may impact their ability to use technology such as disabilities. Having information that is accessible to everyone, not just those who can easily access and navigate to court websites, is needed to ensure a truly just court system.

## **VI. Issues that Disproportionately Affect Women**

In addition to the accessibility issues noted above, there are some issues that may impact women more frequently or severely. Family court matters often mean that parties are forced to navigate the particularly difficult dynamics involved when a family breaks up and that dissolution collides with the legal system. For many, these encounters can be stressful and awkward, but in some cases, it may constitute a severe issue for one of the parties involved, particularly in instances where domestic violence has been alleged to take place; an issue that disproportionately impacts women.

During one of our observations, we witnessed a case in which a man who had been convicted of a serious crime filed a petition with the court to seek phone contact with his children from prison. In this case, the mother of the children was represented by her lawyer as it was documented that she did not want to appear before the court because she continues to suffer from post-traumatic-stress-disorder because of alleged domestic violence committed by the father during their partnership. While the mother in this case was able to have the benefit of counsel to speak on her behalf, many women do not have the option for this given the high costs that can come with hiring legal counsel and limited availability of legal aid representation services. This means that many women who are already suffering from the impact and traumas that come from family violence are face to face with their abusers each time they are required to come to court, only increasing the harm and exacerbating trauma.

Even in the waiting area outside the courtroom in which we made most of our observations, there is little to no separation or privacy for those awaiting their matters to be heard before the court. This problem has been discussed by Rise Women's Legal Centre, as a challenge to safer courts in British Columbia<sup>12</sup>. The lack of separation among parties awaiting their hearing adds to the stress and anxiety that is associated with dealing with very serious matters before the court including their own health and safety and that of their children. As women are disproportionately affected by intimate partner violence, they are most likely to experience fear and anxiety as a result of the space limitations in the courthouse. In 2019 the rates of IPV amongst women were 3.5 times higher compared to men<sup>13</sup>, and this can make them more vulnerable in situations such as the courts, where there is minimal space from abusive ex-partners. While there are some ways that already exist to mitigate this harm, such as the previously noted observation of a woman represented by a lawyer who did not appear in the courtroom, this is not an answer to the concerns that arise when parties experiencing family violence are unable to maintain a safe distance from the perpetrator. There should be more action taken to ensure that women are able to feel as safe as possible when appearing in the family courts.

A major barrier that may be difficult for the courts to fully address is the reality that litigants have other important commitments in their lives, such as work or childcare. Depending on an individual's employment and their financial situation, missing work may be difficult or near impossible to accommodate. While some parties had a lawyer in court to represent their interests while they were partaking in other commitments, this also comes with a significant financial cost that many cannot afford. Even those who

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<sup>12</sup> Hrymak, Haley, "Creating Safety in BC Courts" (2022) at page 15

<sup>13</sup> Conroy, Shana, "Section 3: Police-reported intimate partner violence in Canada, 2019." (2021) In Family violence in Canada: A statistical profile, 2019. *Juristat*. Statistics Canada Catalogue no. 85-002-X

had a lawyer still often appeared themselves, so they were informed and able to express their own concerns as the matter evolved. Likewise, parties with children may also face difficulties in arranging childcare. As it is often women who are expected to take care of children, this barrier disproportionately affects women, who may struggle to balance childcare responsibilities alongside court matters. While there is a children's playroom at the courthouse, it is not supervised, and thus not a viable solution to the issue, someone appearing in court would need a secondary person to watch their child regardless, which may not always be possible.

Stress and anxiety are common when handling court processes, but especially so for victims of intimate partner violence, a harm that disproportionately affects women. Likewise child care, a responsibility women most often carry, can make court matters more difficult. Both of these issues are only worsened when a woman does not have financial means to access legal representation or childcare. In order to ensure a truly equitable system, reducing these barriers is vital.

## **VII. Court Time Efficiency Issues and Procedural Organization**

Together, we observed several cases in which seemingly “simple” or “common sense” procedures took away from the court's time. In one case, one party lacked the necessary pieces of personal identification and was unable to file documents that were required to dispute an order that kept them from being near their children. In another, there was confusion on the part of the court because of a lack of awareness about the implications of filing a motion with two different levels of the court system. In another, one party sought the court's advice on a particular issue relating to the custody of their son citing a lack of understanding about which motions were necessary to file. On some level, questions and concerns will always interfere with the court's time – the law is a complicated apparatus and most people do not have the time to become familiar with its intricacies. However, there may be some areas in which some of these delays and barriers could be avoided.

Another issue that only compounds the issues of court time availability is the judge vacancy issue. While affecting areas more broadly than just the family courts, it can cause unnecessary delays and even for cases to be dropped<sup>14</sup>. Particularly for family law cases, where matters can be urgent, such as settling custody matters, these delays can cause additional strife for individuals and their families.

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<sup>14</sup> Marshall, Kathryn. “Our Judicial System is Broken, but Politicians Don't Seem to Care ...”, (3 December 2023), online: National Post <<https://nationalpost.com/opinion/kathryn-marshall-our-judicial-system-is-broken-but-politicians-dont-see-m-to-care>>.

## **RECOMMENDATIONS:**

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When looking at challenges, it is important to not just identify them, but also look forward as to how to improve the issues in question. The following solutions are not all inclusive, but rather are some starting points to make the courts more accessible and easier to navigate.

### **I. Language Accessibility**

One key recommendation to support language accessibility would be to have signs that include universal symbols, such as the commonly used symbol for washrooms, numbers and arrows, so that those who do not speak English as a first language can more easily navigate the courthouse. Additionally having all signs and information, including the courthouse and legal aid websites, available in more languages is also vital to ensure that language barriers are not restricting access to justice.

### **II. Court Assistance**

Another possible improvement would be court greeters, to help individuals navigate the courthouse and find the information and locations needed. As noted previously, navigating the courthouse proved to be quite challenging and having easily identified individuals to help guide people in the right direction could be hugely beneficial. These individuals could even be volunteers, such as undergrad for law students looking to gain more experience in the courts. Additionally, a clinic, similar to what Law Students Legal Advice Program and other PBSC programs such as Amici Curiae do, set up at the courthouse to help self-representing parties by filling out forms, helping them understand the judge's orders or physically navigate the courthouse. Not only would this ease the difficulties faced by self-represented litigants, it would also offer students valuable experience and potentially make the courts run more efficiently

### **III. Availability of Basic Court Information and Procedures**

In our observations, we noticed that, posted around the court, were various bulletins each of which appeared to contain good information about the courts, its proceedings, the availability of legal aid services, and more. However, we found this information to be sporadically placed and, in some respects, required a lot of walking and searching to locate. A solution we propose is offering something as simple as a small booklet or pamphlet ideally modeled after the one previously mentioned that we

were able to locate virtually entitled *Preparing for a Family Court Trial in Provincial Court*.

In reality, our legal system is highly and – in many cases – necessarily complex and there is no “fool-proof” or “one-size-fits-all” approach to addressing a legal matter. However, having a readily accessible and digestible compilation of decently comprehensive but simplified information in a centralized and advertised location (in a variety of languages) could assist not only those who are navigating the legal system for the first time, but may also improve the efficiency of courts who would likely save time by not having to use time spent in the courtroom to assist those encountering the legal system with basic procedures. A simple written guide, ideally in multiple languages, would be a low-cost, easily implementable solution. Even more robust information available on the court website would also be beneficial, especially in a variety of languages to ensure accessibility for all.

#### **IV. Availability of Childcare**

As discussed above, one of the difficulties experienced by primary caregivers to children is accessing the courthouse while managing childcare responsibilities. This is a responsibility that disproportionately falls on women. One possible solution would be low cost or free, childcare services provided either by the court or other organizations. This would help to minimize other responsibilities so caretakers could focus on the court matter at hand.

#### **V. Courthouse Communications**

Another solution that would help to ease the stress and anxiety associated with being in close proximity to former partners would be to employ a tech-based solution such as a simple pager or text system so people did not have to wait directly outside the courtroom alongside the opposing party. This would mean that people are able to step outside or go to a different area to get much needed space during a stressful and tiring day. Furthermore, this would also assist in helping to communicate courtroom and timing changes, in a fast, low cost, and easy to access manner.

### **CONCLUSION**

The opportunity to observe and reflect on the day-to-day procedures of family law litigation in British Columbia has profoundly impacted our understanding of law and of the legal system as first-year law students. Among other things, it has utterly affirmed the existence of the access-to-justice crisis that has become clear in legal jurisdictions

across Canada and has made clear that there are unmissable opportunities for improvement in many aspects.

Historically, there are certain populations who face particularly steep and entrenched barriers when attempting to access legal services in pursuit of fairness and justice. In our experience and through our observations, we witnessed first-hand efforts to account for this fact, but it is clear to us that there are still miles to go. An overwhelming majority of the parties that we were able to observe came to court without the accompaniment of a lawyer. Not only does this severely impact their individual experience with the court, but we observed that this has a significant impact on court efficiency. We also observed the critical and invaluable role that duty counsel plays in this particular area of law, albeit in a limited capacity based on the restraints of time and resources. An expansion of the legal aid program and the availability of duty counsel is clearly a policy issue to be addressed based on factors beyond the control of lawyers, judges, and courthouse staff, however, representation by those with a sophisticated understanding of the law and the legal system in general is truly the best way to ensure equal and adequate justice for all, and thus, should always be considered as a response to issues of accessibility.

Absent a more widespread and comprehensive legal aid program, it is clear that the financial barriers associated with obtaining legal counsel means that there will continue to be an overwhelming amount of self-representing litigants. As such, courts should make every possible effort to assist those who are already likely encountering the legal system because of an event that may already be associated with a considerable amount of trauma – in many of the cases we observed, this included the dissolution of a family, alleged instances of abuse and violence, as well as custody disputes between estranged parents.

Based on our experience, we believe that a more attentive and inclusive approach to signage as well as physical accessibility could stand to play a role in alleviating some of the stress and anxiety experienced by those who find themselves in a court of law to deal with a traumatic situation. To follow this thread farther, we also became acutely aware of the lack of space for those who must appear in court alongside their potential abusers, or who must attend court and may struggle to find adequate childcare. Undoubtedly, these issues disproportionately affect the experience of women. If our legal system is meant to stand for and protect the most vulnerable, it should not only do so through the law but in its operations as well. When assessing issues of access and equality, the entirety of one's experience with the legal system should count from beginning to end, not only the ruling issued at the end of the litigation.



We are hopeful that in identifying these areas for improvement, our observations will aid those who look to the law for justice and protection.