

British Columbia
JUSTICE SUMMIT

THIRD JUSTICE SUMMIT
MAY 4-5, 2014

REPORT OF PROCEEDINGS

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Table of Contents

PREPARATION OF REPORT OF PROCEEDINGS	1
BRITISH COLUMBIA JUSTICE SUMMITS	2
BACKGROUND TO THE THIRD BC JUSTICE SUMMIT	3
GOVERNANCE AND PLANNING	4
AGENDA DEVELOPMENT	5
SUMMIT PROCEEDINGS	7
Session One: Informed participants and pathways to early resolution	7
Session Two: The family justice system – changing the culture, focusing on users	10
Session Three: Resolution out of court	12
Session Four: Improving court processes and outcomes for families	15
Session Five: Measuring success in the family justice system	19
Session Six: Justice and Public Safety Plan goals and objectives	23
Next steps: How we move forward	27
Performance Measurement	33
2014 Fall Justice Summit	33
APPRECIATION	34
SUMMIT FEEDBACK	35
APPENDIX 1: SUMMIT AGENDA	36
APPENDIX 2: SUMMIT PARTICIPANTS	40
APPENDIX 3: STEERING COMMITTEE AND WORKING GROUP	47
APPENDIX 4: JUSTICE AND PUBLIC SAFETY COUNCIL	49
APPENDIX 5: JUSTICE AND PUBLIC SAFETY PLAN 2014-17	51

PREPARATION OF REPORT OF PROCEEDINGS

This Report of Proceedings was prepared for the Honourable Suzanne Anton, Attorney General and Minister of Justice; the Honourable Chief Justice Robert Bauman, Chief Justice of British Columbia; the Honourable Chief Justice Christopher Hinkson, Supreme Court of British Columbia; and the Honourable Chief Judge Thomas Crabtree, Provincial Court of British Columbia.

BRITISH COLUMBIA JUSTICE SUMMITS

Justice Summits are convened by the Attorney General and Minister of Justice of British Columbia, at least once a year, to facilitate innovation in, and collaboration across, the justice and public safety sector. As indicated in s. 9 of the *Justice Reform and Transparency Act*, a Summit may:

- a. review and consider initiatives and procedures undertaken in other jurisdictions in relation to the justice system in those jurisdictions;
- b. provide input to assist the Justice and Public Safety Council of British Columbia in creating a strategic vision for the justice and public safety sector;
- c. make recommendations relating to priorities, strategies, performance measures, procedures and new initiatives related to the justice and public safety sector;
- d. assess the progress being made in justice reform in British Columbia; and
- e. engage in any other deliberations that the Justice Summit considers appropriate.

On the conclusion of its deliberations, a Justice Summit must report to the Minister on the outcome of those deliberations. By agreement between the executive and judicial branches of government, the report of the Justice Summit is simultaneously submitted to the Chief Justice of British Columbia, to the Chief Justice of the Supreme Court of British Columbia, and the Chief Judge of the Provincial Court of British Columbia.



A bird's eye view of Summit participants at work.

BACKGROUND TO THE THIRD BC JUSTICE SUMMIT

The *Justice Reform and Transparency Act (2013)* provides for the Attorney General to convene a British Columbia Justice Summit by invitation at least annually. Currently held twice a year, Summits are intended to encourage innovation and facilitate collaboration across the sector, by providing a forum for frank discussion between sector leaders and participants about how the system is performing and how it may be improved. As the Act also establishes a Justice and Public Safety Council, appointed by the Minister, to develop a Vision and an annual plan for the sector across the province, the Summit represents a key source of input and recommendations into the Council's planning process, and is a forum to assess the plans and the progress made under them.

The first two Justice Summits, held in March and November 2013, were based on the theme of criminal justice and focused primarily on consideration of the basic values of the criminal justice system as a foundational element of future discussions around planning and system performance. The Summits' deliberations were summarized in Reports of Proceedings.

The third Summit was identified as the next stage in the dialogue that began with the first two, this time with a focus on family law, primarily issues for families arising from separation and divorce.

GOVERNANCE AND PLANNING

The Justice Summit saw the establishment of a Steering Committee (see Appendix 3) with representation from the executive and judicial branches of government, as well as independent legal organizations. The Steering Committee was supported by an internal Working Group (see Appendix 3).

The Steering Committee met between January and May 2014, its principal tasks being to develop an agenda informed by the work of Justice and Public Safety Council; settle on a representative list of participants; and reach agreement on facilitation, location, and other planning matters. Family justice was confirmed by the Committee as the broad-based topic of the third Summit, and as an organizing principle to determine participation.

As was the case in the first two Summits, the Committee agreed that, consistent with protocol in similar gatherings in other jurisdictions to encourage free expression, no comments made by participants during the Summit would be attributed to those individuals or to their organizations in the Summit report, without explicit consent being granted to the Steering Committee to make such attribution.

AGENDA DEVELOPMENT

The agenda for this Summit built, in part, on a dialogue which began with the two Summits held in 2013. Those two gatherings provided input into the development of the first three-year Justice and Public Safety Strategic Plan by the Province's new Justice and Public Safety Council. This Summit broadened that dialogue to encompass those family justice issues arising from separation and divorce.

The Spring 2014 Summit also offered an opportunity to build on the work of the National Action Committee's report, *Access to Civil and Family Justice: A Roadmap for Change*. To this end, the Chair of the National Action Committee, the Honourable Mr. Justice Thomas Cromwell, attended the Summit.

The Summit Steering Committee identified the main goals of this Summit were to:

- identify, candidly and openly, any gaps which may exist between the vision and the current realities of the province's system of family justice;
- develop, in small groups and in plenary, recommendations as to how to bridge those gaps; and
- identify suggestions for the Justice and Public Safety Council as they develop the next Justice and Public Safety Plan, and in the development of measures of performance relevant to family justice in that Plan.

One of the most significant decisions made by the Summit Steering Committee concerned the scope of the event.

The theme of Family Justice relates strongly and directly to recent national and provincial dialogue concerning private family law, access to justice, early resolution, alternatives to court, and improved court processes, particularly in the context of recent law reform embodied in the new *Family Law Act* (FLA). Accordingly, all of these topics are central to the agenda of the Summit.

However, the Steering Committee was also aware of a number of important and related topics, which arise necessarily in any discussion of Family Justice. These include the

significant issues of domestic violence and child protection, as well as how all aspects of the family justice system apply in the context of Aboriginal communities.

In the Steering Committee's view, these topics were of sufficient importance that they could not be fully addressed or summarized, with respect to the issues contained and the range of voices that must be heard and within the confines of a two-day event which had another primary area of focus. While participants were encouraged to address these relevant matters freely within the deliberations of this Summit, it was the Steering Committee's recommendation that the issues of domestic violence and child protection warrant more direct treatment at future Summits.

SUMMIT PROCEEDINGS

Session One: Informed participants and pathways to early resolution

Purpose of the session

Information and assessment can serve to prevent or limit the escalation of family disputes. They can also offer effective paths to resolution. Participants considered the priorities for BC and the actions required to better inform families and provide assessment and support for early resolutions. Participants also considered the implications of a greater focus on users.

A panel presentation preceded a discussion of the topic in small groups.

Two questions were posed to the panelists and to participants as a whole in their small group discussion:

1. How might a focus on users change the types of information and early resolution services available?
2. What implications would these changes have for service providers and other stakeholders?

The following points emerged in the small group discussions and were reported in plenary on behalf of the group. Common themes are summarized in the sub-sections below. Reporting of any particular point does not necessarily reflecting consensus among the participants.

Empowering people through education and by simplifying the system

- Early life education is of high value given the likelihood of family justice events in life. To this end, the justice system should involve the Ministry of Education in partnership.
- Access to family justice information on process and options should be from a single authoritative trusted source. However, it should be available from a variety of locations, rather than solely from traditional gatekeepers. In other

words, information should be coordinated and consistent, but not centralized, with “no wrong number, no wrong door.”

- The goals of public education on family justice should include full awareness of options based on an understanding of actual user demographics and appropriately tailored information; legal literacy with a focus on healthy relationships and conflict resolution; and creation of the ability for people to solve their own problems through both legal and non-legal means.
- The family justice system – its language and its adversarial setting – is familiar for professionals, but difficult and intimidating for ordinary people, whose view of the system may in turn be drawn from media and entertainment. We need to recognize this, and to make the language and setting more amenable.

Ensuring an effective system of triage

- Triage is critical in ensuring processes, services and outcomes are appropriate to the needs of families. Most people dealing with relationship breakdown are unaware of the various options (legal and other services) available to resolve disputes.
- The key to effective triage is early intervention that is multidisciplinary, of good quality, and promotes self-assessment as well as professional assessment. Not every problem is a legal problem, and court need not be the default assumption for the resolution of family disputes.
- To reach people in need there should be multiple entry points permitting triage, coordination of services, and further exploitation of technology to link providers, including expansion of the existing Justice Access Centre service (putting JACs “on steroids”).

A stronger focus on problem-solving

- Many family disputes, by default or through lack of information, escalate needlessly into expensive formal and highly adversarial process. An early focus

on de-escalation is required, one which is standard practice as opposed to *ad hoc*, and which may occur in or out of court.

- A problem-solving approach relies on access to a “trusted pathway” and appropriate guidance in the practical selection of options – the right service at the right time. An increase to legal aid funding, specifically for early mediation, would have a significant positive impact on de-escalation of disputes.

A range of service providers, with knowledge and skills to match users’ needs

- Services geared towards a set of assumptions about client needs and eventual process need to be reconsidered in light of the actual characteristics of system users. As we develop, plan and evaluate services, we should involve users at all stages.
- Family justice professionals need a better understanding of user demographics, and of the needs that exist at different stages of conflict. Matters such as location, hours of work, childcare, language and literacy, or the emotional state of marriage breakdown can present routine barriers to accessing services. Services should be offered in a variety of formats and delivery methods.
- There are key roles for navigators, coaches or mentors, who can develop problem-solving capacity and point to trusted resources. Service provision should be holistic, covering legal and non-legal services.
- While lawyers remain an important part of dispute resolution in an adversarial setting (particularly in protecting the interests of litigants who are victims of violence or otherwise vulnerable), we should not accept without question the presumption that lawyers are always the key to the family justice system and to the resolution of disputes. Litigants are frequently unrepresented, and court staff should adopt new approaches for working with self-represented litigants.

Session Two: The family justice system – changing the culture, focusing on users

Purpose of the session

Participants discussed their views of priorities for culture change in the justice system and the family justice system in particular, as well as considering how focusing on users might bridge the implementation gap between vision and practice.

A panel presentation preceded a discussion of the topic in small groups.

Two questions were posed to the panelists and to participants as a whole in their small group discussion:

1. How does the culture of the family justice sector in BC inhibit reform?
2. What can be done about this? Identify three priorities for culture change in BC's family justice system.

The following points emerged in the small group discussions and were reported in plenary on behalf of the group. Common themes are summarized in the sub-headings below; reporting of any particular point should not be taken as necessarily reflecting consensus among the participants.

Users must be empowered

- Family disputes need to be understood as social challenges with legal aspects, rather than as essentially legal disputes. We must research users' needs and involve users in consultations to inform this change.
- We must simplify our system (from high-level process down to specific forms of service and support) to assist the self-represented, and users more broadly.
- We should consider whether there exists a public right to counsel.

Legal representation should be supportive and tailored to users' needs

- The current model of legal service delivery in family disputes should be addressed to enhance accessibility. Services should be unbundled, with

retainers and plans structured collaboratively to make best use of client resources, with an onus on lawyers to explain unbundling options, and with increasing use of para-professionals.

- The lawyer may in part be conceived as a coach or a partner, facilitating the client's problem-solving. To assist, we must enable and train lawyers (and by implication the judiciary) to better support user needs, educating lawyers on the benefits of different approaches and the means to implement them.
- The support and leadership of the Law Society and the judiciary are essential to successful culture change in practice.

Culture change will also require change to system processes

- Family conflicts are typically ongoing; they are rarely resolved by any one judgment or mediation. Family conflict is different than civil due to family dynamics and needs. This requires a system that helps users to manage ongoing conflicts/needs, and professionals to support them through this.
- Systems of case management and judicial case continuity should be considered. Such a change would be supported by an increase in specialized judges and family courts, with the capacity to handle the significant percentage of litigants who are self-represented litigants.
- Consideration should be given to mandatory mediation, so that all go through the same system. There should be exemptions for cases involving family violence, or appropriate training and support when mediating these cases. This would require expansion of the mediation rosters.
- We may use government levers to make underused options more attractive, for instance by creating tax relief for alternative dispute resolution costs.

We must create the knowledge and space to innovate

- Our system is based on received practice. We should review and validate all aspects of the current family justice system, and reset the norm based on our

findings. Changes to our systems and processes should be based on research and evaluation.

- We require a central body in BC with sufficient authority and standing to lead innovation, creating the room to try and test new approaches, including the acceptance of risk in, for example, experimenting with new models of service provision, and pricing of services.

Session Three: Resolution out of court

Purpose of the session

Participants considered how we might build a justice system that facilitates the resolution of disputes, particularly family law issues, outside of the courts, including new elements which need to be designed, and those elements of our existing system which need to be expanded.

A panel presentation preceded a discussion of the topic in small groups.

Two questions were posed to the panelists and to participants as a whole in their small group discussion:

1. How do we make consensual dispute resolution processes the primary – as opposed to alternative – response to resolving family issues?
2. Where do we need to build capacity to support a system focused on resolution out of court?

The following points emerged in the small group discussions and were reported in plenary on behalf of the group. Common themes are summarized in the sub-headings below; reporting of any particular point should not be taken as necessarily reflecting consensus among the participants.

Mediation's effectiveness and lower cost make it a vital tool

- There is agreement in research that mediation is more durable in terms of providing a lasting solution compared to court imposed decisions.

- In general, mediation should be mandatory before filing with court. There should be exemptions for cases involving family violence, or appropriate training and support when mediating these cases.
- The benefits and cost-effectiveness of mediation should be better communicated, and mediation itself should become tax-deductible. Mediation should become more available in remote communities.
- The practice of mediation needs to increase capacity to deal with more than legal issues, given the social and emotional circumstances of the participants and power imbalances.

Triage is critical not only before, but during, a court case

- Triage should be applied in all cases. We should not allow court to be the default choice but, rather, the last choice when appropriate, and regularly revisited. There should be mandatory “off ramps” and carefully controlled access to the court process.
- Triage is not effective unless the range of options exists.
- Users should have access to tools for self-analysis in addition to professional triage, and there should be ongoing assessment for collaborative dispute resolution.
- We need to build capacity for early triage, and test at the community level.

There is a need to support innovation

- We should experiment with different resolution formats, take risks, and evaluate. These might include a “family panel,” or tribunal, without a judge, which could be offered as an alternative.
- Many disputes might be de-escalated by having child support determined early by a neutral evaluator.

Resolution out of court is more likely with better understanding

- The role of lawyers in family cases should be re-conceptualized, from law school to law society conduct rules, reflecting an expanded role of the lawyer as supporter of early resolution. There should be an expectation that family lawyers model the civility which supports durable resolution.
- We need to determine the facts about user preferences and needs. Collaborative dispute resolution (CDR) may already be the primary and preferred dispute resolution option.
- We need to recognize and communicate that family breakdown and conflict is ongoing/cyclical. A court battle is not “the end.” We must build user capacity to deal with conflict over time.
- We still need to educate regarding the *Family Law Act*.



Associate Chief Judge Nancy Phillips makes a Panel presentation to the Summit.

Session Four: Improving court processes and outcomes for families

Purpose of the session

Participants considered how family court processes might be improved to make the family court system easier for users to navigate and to achieve resolution within a timely manner.

A panel presentation preceded a discussion of the topic in small groups.

Two questions were posed to the panelists and to participants as a whole in their small group discussion:

1. What needs to happen to make the litigation process work for represented and unrepresented users?
2. How can the courts help to ensure consensual dispute resolution is the primary response to family disputes?

The following points emerged in the small group discussions and were reported in plenary on behalf of the group. Common themes are summarized in the sub-headings below; reporting of any particular point should not be taken as necessarily reflecting consensus among the participants.

The family court process should be simplified further

- We should de-formalize the forms, rules, and language of family law. We must ensure it is a process created for the users.
- Users are best served through consistency of process. With one judge overseeing one case, and the use of specialized judges, there is greater accountability for all parties.
- We can make some simple technological changes such as having court orders printed in court, and more smart forms.
- Where mediation is ordered it should reflect “one-stop shopping,” which can resolve all issues, including parenting, property, etc.

Process and rule changes promise significant benefit

- British Columbia should pilot a unified family court process, which would include better use of technology such as virtual access and video and audio.
- We should stream cases according to conflict level, including use of conduct orders, to concentrate assertive management of high-conflict litigants while allowing less conflictual cases to benefit from more empowering, simplified processes.
- We should redesign rules of family court to focus on resolution and meet the goals of the FLA.
 - Early and continuous case management should be a major accent, allowing for filing of case briefs for case management, specialized case managers, and early neutral evaluation.
 - We should also consider replacing first appearance with a needs assessment/early triage with referral to an appropriate settlement process.
 - Consensual dispute resolution, not trial, should remain the objective.
 - We should allow interim resolution/orders, to permit early decision and referral back to settlement discussions.
 - Judicial case conferences (JCCs) and family case conferences (FCCs) should be preceded by a meeting without a judge to talk settlement. At the JCC/FCC, there should be availability of social workers and duty counsel, especially for clients with barriers such as language or family violence. We should also allow for attendance at multiple JCCs/FCCs where appropriate.
- We should better integrate Justice Access Centres (JACs) with court registries to complement information and processes, including better use of registry staff to assist and guide participants.

All participants benefit from an active judiciary

- Judges have an effective role to play as case managers, in the control of behaviour and expectations, and in the enforcement of rules and sanctions for

violations (including against lawyers). Judges can use available tools to ensure less adversarial process, such as inflammatory language in affidavits.

- Targeted case management, and better training for judges in collaborative dispute resolution, should result in effective referrals. Judges should also be supported by up to date lists of available community resources.
- The primary focus of judicial conferences should be settlement.

Change will require new funding or reallocation of resources

- Changes to family law court process and rules are not cost-neutral.
 - Based on the type of matter before the court, representation is not optional for some litigants.
 - There is a clear and substantial cost to having judges embrace a more active case management role, and to having a greater number of specialized family judges.
 - New programs, even pilot projects, require funding.
 - Mandatory mediation is good, but mediation is only effective if the follow-up resources are in place, which requires external programs; and if well-executed, as poorly-done it can result in increased process.
- Where a benefit can be shown in health or educational outcomes, funds to permit the initiatives identified could be freed up from elsewhere in government

The momentum for reform requires coordination to be sustained

- We require planning, collaboration and cooperation with those outside the formal justice sector.
- There are promising models in other jurisdictions which could be reviewed and potentially applied.
- We should recognize the limits of existing institutions and process within, for example, Provincial Court, and find ways to initiate transformative models.

THIRD JUSTICE SUMMIT REPORT OF PROCEEDINGS

- We should create a group to focus on logistics for consistent registry practices province-wide, which might include the judiciary, bar, registry staff and self-represented litigants.



Dr. Julie Macfarlane addresses the Summit plenary via video link.

Session Five: Measuring success in the family justice system

Purpose of the session

Successful reform of the family justice system will require identification of clear goals and objectives. In this session participants considered what tangible outcomes might be sought, and how we might measure our progress towards those outcomes.

A presentation preceded a discussion of the topic in small groups.

Two questions were posed to the presenter, and to participants as a whole in their small group discussion:

1. What would success in the family justice sector look like? Identify three measures which would be indicative of progress.
2. What are the potential pitfalls or unintended consequences of introducing performance measures, and how can they best be avoided?

The following points emerged in the small group discussions and were reported in plenary on behalf of the group. Common themes are summarized in the sub-headings below; reporting of any particular point should not be taken as necessarily reflecting consensus among the participants.

Desired outcomes we seek to measure

- Resolutions that:
 - focus on children, benefit families and cause no harm;
 - build the dispute prevention capacity and skills of participants;
 - are early, timely, durable, cost-effective and affordable;
 - are just or fair and provide equitable outcomes regardless of gender, ethnicity, etc.
- A system that:
 - is inclusive and supports resiliency; facilitating dispute resolution capacity and skills to provide satisfaction for users;

- effectively utilizes money and resources both within communities and courts (e.g., advocates should be available; only those cases that need to be in court should be there);
- provides users with timely access to information and data.

Unintended consequences to be avoided in measuring progress

- There are fears that data can influence results in unintended ways; data can also be used to punish/reward.
- Innovation requires risk tolerance in order to encourage experimentation; we must allow for learning from failure.
- Statistics may be misleading and illusory if they are not valid reflections of what we are trying to measure; we need to understand the implications of our measures.

Challenges in the collection and interpretation of data

- We currently have inconsistent measures across agencies/sector/government. We need benchmarks, comparative studies and standardized questions in order to compare and analyze across the sector.
- We need to measure what counts, not what is easy to measure and recognize that it isn't always possible to measure what we manage (i.e., the changing dynamic of family relationships).
- We need to understand more about the people who don't access the system, or our understanding of "users' needs" will be seriously flawed. Do they resolve on their own or are their issues unresolved?
- Capacity and skill building are required to support effective measurement and evaluation. Poor or simplistic data interpretation can be a problem. For example:
 - If we are successful with early resolutions, cost per court case could actually go up because the cases that are proceeding to court are the most complex.

- In family disputes, a cooling-off period may result in a more durable solution, but will lengthen time-to-resolution measures.
- Someone not returning to court does not necessarily mean a resolution.
- Design challenges:
 - Survey methods will impact self-selection through literacy and language, phone, online, town hall turnout, etc.; this points to the need for a variety of methods.
 - User expectations may influence perceptions of success.
 - It will be difficult to measure user satisfaction, especially among children.
 - Measuring concepts like fairness is problematic and highly subjective – ask instead, “did you get the information or the service you were seeking”?
 - Need to address outliers so things like high-conflict cases do not skew the data from the higher volume, less acrimonious cases.
- Data collection challenges
 - Data entry and verification are time consuming for staff; operationally relevant data gets collected while other fields get skipped by busy staff.
 - Questionnaires need to be kept short to increase response rates.
 - Data collected is not always fully utilized.
 - Need to use court data – courts are a branch of government, not just another service provider.

Measures which should be considered as evidence of progress in family justice

- We need to measure what’s important to practitioners and users of the system; engage both in developing measures.
- We require both quantitative and qualitative measures, including inputs, outputs, outcomes and user satisfaction. We also require consistent and standardized measures for benchmarks, identification of patterns and efficiencies.
- Cost measures need to take case complexity into account.

THIRD JUSTICE SUMMIT REPORT OF PROCEEDINGS

- We should gather data from litigants with questions such as:
 - Did it work? Were you heard? Was the process fair?
 - Were you able to develop tools/skills to avoid future conflict?
 - What could be done better?
- We need to measure outcomes:
 - Was there a resolution? What was the resolution? Was the resolution durable?
 - Did the outcome work for the user? Was it: inclusive, fair, simple, affordable, just?
 - Percentage back in court the following year; and two or more years out.
 - Settlement and resolution rates – inside and outside system, number of trials.
 - Sustainability of parent/child relationships.
 - Incidence of violence at onset of family breakdown.
 - Who started the process and then stopped, and why (e.g., lack of funds).



In small groups, Summit participants discuss how the system can focus more on its users.

Session Six: Justice and Public Safety Plan goals and objectives

Purpose of the session

In this session, participants considered how family justice reform goals might be reflected and achieved within broader system transformation. The Justice and Public Safety Council published the first three-year plan for the BC justice and public safety sector on March 31, 2014. The Plan includes goals and objectives for the sector over that time period, as well as performance gaps – of which most were identified at the previous Justice Summits focused on criminal justice.

A presentation of the plan, and the context of its development, was delivered on behalf of the Council by the Summit Steering Committee Chair, prior to discussion of the topic in small groups.

Two questions were posed to participants as a whole in their small group discussion:

1. In their 2014-17 Plan, the Justice and Public Safety Council have identified four high-level goals for the justice sector, with related objectives. Does this framework as written adequately address family justice?
2. The Plan is updated annually. What goals, objectives or performance gaps related to family justice should be reflected in subsequent iterations of the Plan?

The following points emerged in the small group discussions and were reported in plenary on behalf of the group. Common themes are summarized in the sub-headings below; reporting of any particular point should not be taken as necessarily reflecting consensus among the participants.

General commentary

There was general agreement in the room that the goals and objectives need to be reworked for family justice.

- The objectives, details and specific approaches need to be reworked to focus on protecting children, reducing conflict, resolving disputes, and promoting the

welfare of children so that appropriate performance indicators can be developed.

- A goal that is missing is “Transformative” – there needs to be a holistic approach that includes social well-being, housing, daycare and children that thrive. However, some expressed caution that the sector plan is about the justice system, not the social aspects and needs of families that are beyond our ability to impact.
- The sustainable balance between criminal and the rest of the justice system is wrong; there is a disproportionate focus on criminal rather than on the healthy side of family.

Goal 1: Our Sector is Fair

- The objectives need to be revised to address fairness for children (might include representation) and fairness for people outside the system.
- **Accessibility:** The language needs to be simplified (e.g., “provide meaningful redress”) and needs to focus on the services being proactive, understandable, proportionate and affordable – in the community and for courts. Accessibility, affordability and durability of resolutions are important and apply beyond vulnerable and marginalized people. Performance gaps include self-represented litigants and grandparents.
- **Impartiality:** It is important not just that the sector is impartial, but that it is also perceived and experienced as impartial.

Goal 2: Our Sector Protects People

- Tailor all the objectives for family justice.
- Suggested language: “people” not “citizens,” “building resilient families,” “safety and security of family members,” “child focused.”
- **Prevention:** References to “interventions” and “antisocial behaviour” are not appropriate. A goal level performance indicator should include: “Do you feel safe in your family?” An objective should be added to reflect “our sector

supports people” – there should be more emphasis on capacity and skill-building. Provision of information, guidance, support and advice also need to be included.

- **Protection:** This needs to include the whole family and specifically, children. Proactive capacity and skill building is about protection. We also need to focus on root causes of family violence and family disputes instead of crime. Child protection ought to be included here.
- **Systemic approach:** We need to include early front-end coordinated services – specifically non-legal services – to encompass the breadth of the family experiences and issues.

Goal 3: Our Sector is Sustainable

- Recognize that this goal is broadly operational and not about management of a single family case, but family needs to be reflected in the language, i.e., “positive workable outcomes for families.”
- **Effectiveness:** this needs to reflect workable outcomes for families, which is broader than dollar costs for families. It also needs to reflect human rights, well-being and the dignity of the user.
- Recognize the different role that the judiciary plays – where does the judiciary fit into the “levels of government” language?

Goal 4: Public Confidence

- This goal should be revised to include benefitting families; this is too focused on the system, and we need to put people, not the system, in the middle.
- The sector needs the users’ confidence and not just the general public’s confidence.
- **Adaptive:** triage concept comes in here; NGOs are crucial here because they are more nimble, but how do we measure “adaptive” and “nimble”?

- **Performance Focused:** incorporate more “user” involvement in developing objectives, when developing measures and developing systems.
- **Empowerment:** this doesn’t make sense under public confidence – want to empower people to resolve their own issues; incorporate something about individual responsibilities of families and helping build capacity to resolve problems independently.

The need for a goal specific to families

- There is a clear need for a fifth goal, to reflect the fact that the system serves the needs of families.
- Potential objectives for this goal include:
 - Access to non-adversarial or dispute resolution services;
 - Availability of out-of-court services;
 - A focus on best interests of children;
 - Enabling the ability to focus on specific families.



The Franklin Lew Forum at UBC's Faculty of Law has been the setting for the first three Justice Summits.

Next steps: How we move forward

Summary comments – Jerry McHale

At the conclusion of the sixth session, the facilitator asked Jerry McHale – Lam Chair in Law and Public Policy at the University of Victoria, a member of the Summit steering committee, and a major individual contributor to the work of the National Action Committee – to offer some synthesizing observations regarding the Summit’s work. These remarks were expanded in written form after the Summit, at the invitation of the organizers, and are reproduced here with permission.

The term “we” in these remarks, which were made to the Summit, should be understood by the reader to mean system leaders and participants, broadly speaking.



There appears to be general consensus about the problem and elements of the problem. What are the priority items? Where to focus and start?

The Justice Summit disclosed an encouraging degree of consensus on not only the urgent nature of the access problem in family law, but also on the pressing need to implement meaningful reforms. As Justice Thomas Cromwell reminded us, "It's time for concrete steps." This gives rise to two fundamental questions: What are the priority action items? How do we make them happen?

What are the priority action items?

The Summit discussions strongly suggested that this first question must be considered on two levels. The first is on the foundational level of the culture of the justice system. Culture is about the basic values, beliefs and attitudes that drive the behavior of individual actors in the system. The final National Action Committee (NAC) report (“Access to Civil & Family Justice: A Roadmap for Change”) adopts Lawrence Friedman’s admonition that “law reform is doomed to failure if it does not take legal culture into account.” And, as Dr. Julie

Macfarlane reminded the Summit in her presentation, some of the values at the core of the family justice system – adversarialism, for example – must be significantly modified if we are to respond adequately to the unmet family legal need in our communities. While there has been an historical shift toward cooperative values in family law, discussions at this Summit made it clear that even greater culture change is necessary to make sufficient progress in this area.

Taking action on culture change requires three things:

- 1. **A vision:** The NAC report, and others, describe the culture change which must occur, and they articulate a vision based upon the core values that should drive family justice;*
- 2. **Leadership:** The family justice system is constructed of "multiple hierarchies" (lawyer/client, judge/lawyer, lower courts/out-of-court, etc.), and one of the avenues to culture change is through these hierarchies. The bar, for example, is particularly responsive to signals from the bench about desired behaviour. The judiciary could exert an enormous culture-changing influence if it resolved to use its authority to enforce, at every turn, the values of collaboration and cooperation;*
- 3. **An enforcement mechanism:** If existing rules or regulations are not already sufficient to compel the kinds of conduct envisioned in the reports, then the regulation making power at s. 245 of the Family Law Act is doubtless broad enough to create rules that will.*

Assuming an environment where the culture is receptive, the second step is simply to identify, from the many options presented in the reports, the specific reform projects to be given priority. Selecting priority projects should involve maximizing the balance between impact and effort. What projects will yield the greatest impact with a realistic and manageable investment of effort?

Near the close of the Summit, the following projects were identified as possible priorities:

- **Mandatory participation in a consensual dispute resolution process (“CDR”) –** *As the NAC family report suggests, “There is now sufficient experience with family law mediation and collaborative practice...to confidently assert that, with the appropriate support and protections, they are safe, fair and efficient ways to resolve many family disputes.” British Columbia's experience with the Notice to Mediate (Family) Regulation and in “Rule 5” registries provides an excellent foundation on which to build a more intensive CDR program;*
- **Coordinated early services and triage –** *A number of recommendations in the NAC reports strongly support expanding front-end assessment, orientation, advice and referral services for families. At the same time, these reports recommend coordination and integration of the courts with non-governmental organizations and family-serving agencies in the community. The three existing Justice Access Centers provide an excellent example of this kind of service. Early resolution services may be coordinated across family, civil and criminal matters for greatest efficiency;*
- **Modified judicial role –** *Many reports suggest that the unique nature of family disputes would be better accommodated in a hearing process which allows judges greater managerial involvement and expanded procedural flexibility. Australia has experimented successfully with "less adversarial trials" and many jurisdictions have incorporated some inquisitorial elements into family hearings.*

How do we implement the priority action items?

The entities participating in the Justice Summit have both the capacity and the responsibility to implement the needed reforms. The administration of justice is fragmented in Canada and, as such, the power to change the system is shared. This means that in order to implement change on the scale and at the depth required, we will need to improve collaboration and coordination across all sectors of the family justice system. It is

also essential that the study, design and implementation of change initiatives include liberal representation from the public who use the system.

At the close of the Summit, Provincial Court Chief Judge Thomas Crabtree stressed the need to identify a vehicle or mechanism capable of taking this work on, and through which the necessary collaboration and coordination could occur. Perhaps what is needed is some formulation of the Justice and Public Safety Council. Alternatively, a body based on the “Access to Justice Commission” model now being used in a number of American states might be most effective. There may be other possibilities. In any event, identifying this vehicle is one of the immediate next steps.

Should the vehicle proposed by the Chief Judge be identified, its effectiveness will hinge on the buy-in and commitment of all of its members. Without suggesting in any way that it is the whole of the solution, its effectiveness will also be a function of adequate resourcing for the family justice system. The NAC report characterizes family law as the “poor cousin” in the justice system, ranking well behind criminal law, in particular, in the competition for scarce dollars. The status quo, however, is not sustainable – the social and individual costs associated with unmet family law need are too great. Assuming an environment of ongoing fiscal restraint, this means that the immediate next steps should also include a broad conversation about rebalancing or reallocating funds from other areas in the justice system in order to increase the investment in family law.



Plenary discussion: how to proceed?

Key points and comments raised by individual participants in plenary included the following:

- Who will do this? We would. How? We need to act (we or people like us across the system). We need to focus on what we are doing, who is out there, what

are they doing and how can we each contribute. Coordination, not centralization, is required. It is not practical for one agency to be responsible.

- Where central resources fall short, communities can get involved and get things off the ground at a local level.
- Front-end services should be coordinated, as this is the part of the system that does early resolution. Participants are weary of coordination and collaboration being put forward as the obvious answer...and it just doesn't happen. There isn't one organization that can actually solve this problem – it is an example of what Adam Kahane refers to as a complex problem. The focus must shift onto people, defining the system more broadly than just the legal aspects.
- The focus should move outside of the bureaucracy to communities, mandatory consensual dispute resolution, a specialized bench or some format of “one family, one judge,” or experimentation with more managerial judges. Judges should be assisted with awareness of resources or having their own manual.
- Building off the JAC model, the government should hire a coordinator for community JACs, to reach out to all the participants in a JAC, bringing together all the players necessary to solve people's problem. It was noted that existing JACs will each host an open house before September, inviting community resources, lawyers and judges to improve JAC outreach.
- There are major structural problems to be addressed, requiring commitment and will across the sector. There are significant issues which must be addressed for users who live in rural areas; are Aboriginal; or who are recent immigrants and don't speak, read or understand English fluently.
- Is a specific body or mechanism required to oversee change? A collection of the voices of the sector? Can existing mechanisms like community court Committees be a tool for greater coordination?
- Our system requires a serious discussion about resources – we can't just say that the social problem is too immense. We have a system in which 47% of marriages end in divorce, so we have to deal with the fallout of that. The Law

Foundation is struggling with how to fund the front end in keeping with the vision of the NAC and welcomes a more coordinated approach.

- We need to harness the creativity and innovation – and not be afraid of taking risks to achieve transformation change. We need to ask, “Did we benefit the user?”

Performance Measurement

Call for participants in sector performance measurement

The Chair of the Summit Steering Committee outlined the current approach of the Justice and Public Safety Council to development of performance measures for the sector, in accordance with the *Justice Reform and Transparency Act*. This approach involves a technical working group, and a more senior review committee invited to consider and comment on performance measures as they are developed and subsequently reported.

Noting the need for involvement on the part of family justice specialists, the Chair invited Summit participants to make their interest known to the Justice and Public Safety Council's Secretariat in the near future.

2014 Fall Justice Summit

The Chair of the Summit Steering Committee provided participants with details around the planning of the fall 2014 Justice Summit.

As the system achieves a “mature state” of Summits, the annual cycle will include two Summits: a proactive, aspirational, issue-focused summit in the Spring of each year, and Fall Summits, in which the Council consults on its draft three-year strategic plans, plans which will include criminal, civil and family justice.

APPRECIATION

The Steering Committee would like to express its thanks to the participants at the third British Columbia Justice Summit, whose continuing commitment and goodwill contributed greatly to the event.

For assistance in the development and realization of this Summit, special thanks are due to: the Court of Appeal for British Columbia, the Supreme Court of British Columbia, the Provincial Court of British Columbia; the Law Society of British Columbia; the Canadian Bar Association (BC Branch); the Legal Services Society; and the Law Foundation of British Columbia.

Thanks, too, are due to those invited participants who made time to prepare presentations for panel discussions, including: Heidi Mason, Rick Craig, John-Paul Boyd, Dr. Julie Macfarlane, Jennifer Muller, Jane Morley, Kari Boyle, Amber Prince, David Dundee, Audra Bayer, Associate Chief Judge Nancy Phillips and Tim Roberts.

The Steering Committee would also like to thank Dean Mary Anne Bobinski and staff of the University of British Columbia, Faculty of Law, for their generosity and flexibility in again creating an excellent setting for the Summit. The Steering Committee is also appreciative of the support it received from the Law Society of British Columbia and their Chief Executive Officer (and Summit Moderator) Tim McGee.

Finally, the Steering Committee would like to thank the Summit facilitator, George Thomson; Michelle Burchill; Dan Silverman; and the many individual employees of public and private justice and public safety organizations, agencies and firms in British Columbia who made direct personal contributions to the success of the Justice Summit.

SUMMIT FEEDBACK

Comments on this *Report of Proceedings* and the Summit process are encouraged and may be emailed to jpss@gov.bc.ca. Written communication may be sent to:

Justice and Public Safety Secretariat
Province of British Columbia
1001 Douglas Street
Victoria, BC V8W 3V3
Attention: Justice Summit

APPENDIX 1: SUMMIT AGENDA

Sunday, May 4

9:30	Registration and coffee	
10:00	Introduction	Tim McGee (Summit Moderator), Law Society of BC
	Greeting	Elder Mary Charles , Musqueam First Nation ¹
	Welcome from UBC	Dean Mary Anne Bobinski , UBC Faculty of Law
	Welcome to participants	Honourable Suzanne Anton , Attorney General and Minister of Justice
10:20	Remarks: The Summit Process	George Thomson (Summit Facilitator)
10:30	Goals of this Summit: building on the Work of the National Action Committee	Jerry McHale , University of Victoria Faculty of Law (on behalf of the Summit Steering Committee)
11:00	Session 1: Informed participants and pathways to early resolution	Panel participants Heidi Mason , Legal Services Society Rick Craig , Justice Education Society J.P. Boyd , Canadian Research Institute for Law and the Family, University of Calgary
		Small group discussion follows (report-out occurs after Session 3)
12:00	Lunch	

¹ Due to unforeseen circumstances affecting travel, the Aboriginal Elder was unable to attend as planned.

THIRD JUSTICE SUMMIT REPORT OF PROCEEDINGS

12:45	Session 2: The family justice system: changing the culture and focusing on users	Panel participants Dr. Julie Macfarlane , University of Windsor (via videolink) Jennifer Muller , self-represented litigant Small group discussion follows
1:45	Session 2: Small groups report	George Thomson
2:15	Break	
2:30	Session 3: Resolution out of court	Panel participants Jane Morley , Consultant Kari Boyle , Executive Director, Mediate BC Amber Prince , Atira Women’s Resource Society Small group discussion follows
3:30	Sessions 1 and 3: Small groups report	George Thomson
4:15	Daily wrap/ housekeeping	Tim McGee
4:30 to 6:30	Reception (Allard Hall)	Sponsored by the Law Society of BC

THIRD JUSTICE SUMMIT REPORT OF PROCEEDINGS

Monday, May 5

8:15	Coffee	
8:45	Housekeeping Day's objectives	Tim McGee George Thomson
9:00	Session 4: Improving Court processes and outcomes for families	Panel participants David Dundee , Solicitor Audra Bayer , Solicitor Associate Chief Judge Nancy Phillips , Provincial Court of British Columbia
		Small group discussion follows
10:00	Session 4: Small groups report	George Thomson
10:30	Break	
10:45	Session 5: Measuring success in the family justice system	Presentation Tim Roberts , Focus Consultants
		Small group discussion follows
11:45	Session 5: Small groups report	George Thomson
12:15	Lunch	Introduction: Honourable Christopher Hinkson , Chief Justice, Supreme Court of British Columbia
		Presentation: Honourable Justice Thomas Cromwell , Supreme Court of Canada <i>After the National Action Committee – where from here?</i>
		Thank you: Honourable Robert Bauman , Chief Justice of British Columbia

THIRD JUSTICE SUMMIT REPORT OF PROCEEDINGS

1:30	Session 6: Situating family justice in the context of broader sector reform	Jay Chalke , Chair, Justice Summit Steering Committee Small group discussion follows
2:30	Session 6: Small groups report	George Thomson
3:00	Health break	
3:15	Summary of Summit proceedings	George Thomson
3:45	Closing remarks	Honourable Thomas Crabtree , Chief Judge, Provincial Court of British Columbia
4:00	Final remarks	Tim McGee
4:15	Summit concludes	

APPENDIX 2: SUMMIT PARTICIPANTS

Surname	First name	Position or title	Organization
Anton	Honourable Suzanne	Attorney General and Minister of Justice	Government of British Columbia
Assanand	Shashi	Executive Director	Vancouver and Lower Mainland Multicultural Family Support Services Society
Barrett	Jennifer	Lawyer	Quadra Legal Centre
Bauman	Honourable Robert	Chief Justice	Court of Appeal for British Columbia
Bayer	Audra	Lawyer	MacLean Family Law Group
Benton	Mark	Executive Director	Legal Services Society
Beresford	Chris	Executive Director, Maintenance Enforcement and Locate Services	Ministry of Justice
Blenkin	Johanne	Chief Executive Officer	BC Courthouse Library Society

THIRD JUSTICE SUMMIT REPORT OF PROCEEDINGS

Surname	First name	Position or title	Organization
Boere	Theo	Executive Director	Nanaimo Men's Resource Center
Boyd	John-Paul	Executive Director, Canadian Research Institute for Law and the Family	University of Calgary
Boyle	Kari	Executive Director	MediateBC
Carter	Nancy	Executive Director, Civil Policy and Legislation Office	Justice Services Branch, Ministry of Justice
Cavanaugh	Lynda	Assistant Deputy Minister, Community Safety and Crime Prevention	Ministry of Justice

THIRD JUSTICE SUMMIT REPORT OF PROCEEDINGS

Surname	First name	Position or title	Organization
Chalke	Jay	Assistant Deputy Minister, Justice Services Branch	Ministry of Justice
Corrigan	Kathy	Opposition Critic for Public Safety and Solicitor General	Legislative Assembly of British Columbia
Crabtree	Honourable Thomas	Chief Judge	Provincial Court of British Columbia
Craig	Rick	Executive Director	Justice Education Society
Cromwell	Honourable Mr. Justice Thomas		Supreme Court of Canada
Dicks	Beverly	Assistant Deputy Minister, Provincial Office of Domestic Violence and Strategic Priorities	Ministry of Children and Family Development
Dundee	David	Lawyer	Paul & Company

THIRD JUSTICE SUMMIT REPORT OF PROCEEDINGS

Surname	First name	Position or title	Organization
FitzGerald	Amy	Policy and Program Analyst	Ending Violence Association
Fyfe	Richard	Deputy Attorney General	Ministry of Justice
Govender	Kasari	Executive Director	West Coast LEAF
Hamilton	Lisa	Lawyer	Hamilton Fabbro Law Corporation
Hinkson	Honourable Christopher	Chief Justice	Supreme Court of British Columbia
Jamieson	Gene	Legal Officer	Provincial Court of British Columbia
Jenab	Zahra	Lawyer	Access Pro Bono
Kraemer	Frank	Executive Director and Senior Counsel	Superior Court Judiciary
Leacock	Jill	Legal Counsel	Supreme Court of British Columbia
Lieff	Elissa	Senior General Counsel	Justice Canada
Lindsay	Jan	President	Law Society
Macfarlane	Dr. Julie		University of Windsor

THIRD JUSTICE SUMMIT REPORT OF PROCEEDINGS

Surname	First name	Position or title	Organization
Mason	Heidi	Director, Legal Advice and Representation	Legal Services Society
McGee	Tim	Chief Executive Officer	Law Society
McHale	Jerry	Lam Chair in Law and Public Policy	University of Victoria
Merrill	Nancy	Lawyer and Bencher	Merrill Long & Company
Morley	Jane	Board Member	Mediate BC
Muller	Jennifer	Member of public	Self-represented litigant
Neville	Craig	President	BC Parenting Coordinators Roster Society
Nevin	Caroline	Executive Director	Canadian Bar Association – BC
Outerbridge	Tim	Legal Counsel	Court of Appeal for British Columbia
Phillips	Honourable Nancy	Associate Chief Judge	Provincial Court of British Columbia
Plenert	Wayne	Chair	Mediate BC Roster Committee

THIRD JUSTICE SUMMIT REPORT OF PROCEEDINGS

Surname	First name	Position or title	Organization
Prince	Amber	Legal Advocate	Atira Women's Resource Society
Raponi	Eugene	Lawyer	Waddell Raponi
Rittinger	Michael	Local Manager, Vancouver Justice Access Centre	Justice Services Branch, Ministry of Justice
Roberts	Tim	Consultant	Focus Consultants
Robertson	Irene	Executive Provincial Director, Family Justice Services Division	Justice Services Branch, Ministry of Justice
Robertson	Wayne	Executive Director	Law Foundation
Roots	Hanna	Managing Director	Family Maintenance Enforcement Program
Rudy	Pam	Director, Legal Information Services	BC Families in Transition
Sandstrom	Kurt	Assistant Deputy Attorney General, Legal Services Branch	Ministry of Justice

THIRD JUSTICE SUMMIT REPORT OF PROCEEDINGS

Surname	First name	Position or title	Organization
Shorten	Alex	Vice-President	Canadian Bar Association – BC
Sidhu	Ram	Legal Advocate	SOURCES BC
Sieben	Mark	Deputy Minister	Ministry of Children and Family Development
Simmons	Kerry	Lawyer	Cook Roberts LLP
Smyth	Helen	Member of public	Self-represented litigant
Spier	Colleen	Lawyer and Mediator	Spier & Company Law
Stewart	Richard	Lawyer	Cook Roberts LLP
Thomas	Linda	Lawyer	Linda D. Thomas Law Corp.
Wanamaker	Lori	Deputy Solicitor General and Deputy Minister, Justice	Ministry of Justice
Wingham	Honourable James	Judge	Provincial Court Family Law Committee

APPENDIX 3: STEERING COMMITTEE AND WORKING GROUP

Steering Committee

Members:

Jennifer Barrett	Lawyer, Canadian Bar Association – B.C. representative
Mark Benton	Executive Director, Legal Services Society
Johanne Blenkin	Chief Executive Officer, BC Courthouse Libraries Society
Jay Chalke (Chair)	Assistant Deputy Minister, Justice Services Branch Ministry of Justice
Gene Jamieson	Legal Officer, Provincial Court of British Columbia
Michael Lucas	Manager, Policy and Legal Services, Law Society of British Columbia
Heidi McBride	Legal Counsel, Supreme Court of British Columbia
Jerry McHale	Lam Chair in Law and Public Policy, University of Victoria
Tim Outerbridge	Legal Counsel, Court of Appeal for British Columbia
Wayne Robertson	Executive Director, Law Foundation of British Columbia

Summit Facilitator:

George Thomson Director, National Judicial Institute

Ex-officio:

Allan Castle Executive Lead, Justice and Public Safety Secretariat, Ministry
of Justice

Nancy Pearson Manager, Stakeholder Relations, Justice Services Branch,
Ministry of Justice

Working Group

Members:

Nancy Carter	Executive Director, Civil Policy and Legislation Office, Justice Services Branch, Ministry of Justice
Allan Castle (Chair)	Executive Lead, Justice and Public Safety Secretariat Ministry of Justice
Shelley Eisler	Director, Planning and Performance Reporting, Justice and Public Safety Secretariat, Ministry of Justice
Darryl Hrenyk	Legal Counsel, Civil Policy and Legislation Office, Justice Services Branch, Ministry of Justice
Shannan Knutson	Senior Policy Analyst, Civil Policy and Legislation Office, Justice Services Branch, Ministry of Justice
Lisa Nakamura	Senior Policy Analyst, Dispute Resolution Office, Justice Services Branch, Ministry of Justice
Nancy Pearson	Manager, Stakeholder Relations, Justice Services Branch Ministry of Justice
Irene Robertson	Provincial Executive Director, Family Justice Services Division, Justice Services Branch, Ministry of Justice

Special assistance provided by:

Edna Philippides	Executive Administrative Assistant, Justice Services Branch, Ministry of Justice
Tiny Vermaning	Administrative Assistant, Justice Services Branch, Ministry of Justice
Stephen Woollard	Office Administrator, Justice and Public Safety Secretariat, Ministry of Justice

APPENDIX 4: JUSTICE AND PUBLIC SAFETY COUNCIL

Under provisions of the *Justice Reform and Transparency Act*, Council members are appointed by the Attorney General and Minister of Justice. Membership on the Council may include: an individual who is in a senior leadership role in the government and who has responsibility for matters relating to the administration of justice in British Columbia or matters relating to public safety, and includes any other individual the minister considers to be qualified to assist in improving the performance of the justice and public safety sector.

The Council is chaired by the Deputy Minister of Justice and, currently, includes Ministry of Justice executive members and a representative from the Ministry of Children and Family Development. The Council is supported by a Justice and Public Safety Secretariat within the Ministry of Justice. Further to Ministerial Order, the current membership is as follows:

Cavanaugh, Lynda	Assistant Deputy Minister, Community Safety and Crime Prevention, Ministry of Justice
Chalke, Jay	Assistant Deputy Attorney General, Justice Services Branch Ministry of Justice
DeWitt-Van Oosten, Joyce	Assistant Deputy Attorney General, Criminal Justice Branch Ministry of Justice
Faganello, Tara	Assistant Deputy Minister, Corporate Management Services, Ministry of Justice
Fyfe, Richard (Vice-Chair)	Deputy Attorney General, Ministry of Justice
Jardine, Kevin	Assistant Deputy Minister, Court Services Branch Ministry of Justice
Merchant, Brent	Assistant Deputy Minister, Corrections Branch, Ministry of Justice

Sandstrom, Kurt	Assistant Deputy Attorney General, Legal Services Branch, Ministry of Justice
Pecknold, Clayton	Assistant Deputy Minister, Policing and Security Programs Ministry of Justice
Sadler, Bobbi	Chief Information Officer, Ministry of Justice
Sieben, Mark	Deputy Minister, Ministry of Children and Family Development
Wanamaker, Lori (Chair)	Deputy Minister and Deputy Solicitor General Ministry of Justice

APPENDIX 5: JUSTICE AND PUBLIC SAFETY PLAN 2014-17

Justice and Public Safety Plan 2014-17: Goals, Objectives, Performance Gaps and Indicators

Goal 1: Our Sector is fair

Goal level performance indicator: Percentage of sample population having had contact with the system in the previous 12 months responding positively to the question: “In your recent experience, were you treated fairly overall?”

Objectives	Performance Gaps	Performance Indicators
<p>Accessible: We offer services regardless of means or location, provide meaningful redress, and ensure access to justice for vulnerable and marginalized people proactively.</p>	<ul style="list-style-type: none"> Improved access to justice is needed in civil, family and administrative disputes, in both urban and rural settings. We need to better balance the application of public resources to increase access to justice for accused persons 	<p><i>READY</i></p> <ul style="list-style-type: none"> Mean cost per litigant Rates of self-representation in criminal proceedings <p><i>REQUIRES SURVEY</i></p> <ul style="list-style-type: none"> Level of understanding of and ease of accessing available supports and services <p><i>UNDER DEVELOPMENT</i></p> <ul style="list-style-type: none"> Measure of miscarriages of justice Quality of representation

THIRD JUSTICE SUMMIT REPORT OF PROCEEDINGS

<p>Impartial: We model integrity, fairness and natural justice in our procedures and in delivering services, treating people equally.</p>	<ul style="list-style-type: none"> • We require an integrated strategy to address over-representation of Aboriginal people in the court and correctional systems. • We need to increase our understanding of perceived barriers to justice among women who are victims of violence 	<p><i>READY</i></p> <ul style="list-style-type: none"> • Rate of Aboriginal incarceration (remand) <p><i>REQUIRES SURVEY</i></p> <ul style="list-style-type: none"> • Satisfaction with justice system interactions among Aboriginal persons having had recent contact with the justice system • Satisfaction with justice system interactions among women who are victims of violence having had contact with the justice system
<p>Timely: We work together to reduce systemic delay as an impediment to justice; we seek early resolution of individual processes wherever possible</p>	<ul style="list-style-type: none"> • The administration of the court system must be modernized to improve scheduling and decrease unproductive appearances • We need to further incorporate established risk/need-assessment practices beyond corrections, in prosecution and police policy 	<p><i>READY</i></p> <ul style="list-style-type: none"> • Number of cases stayed by judges due to systemic delay (successful Askov rulings) • Next available date for a trial – criminal (youth and adult), civil and family • Percentage of criminal cases resolved within 30/60/90 days <p><i>UNDER DEVELOPMENT</i></p> <ul style="list-style-type: none"> • Measure of incorporation of risk/needs-assessment practices

Goal 2: Our Sector protects people

Goal level performance indicator: Percentage of sample of general population responding affirmatively to the question: “Do you feel safe in your community?”

Objectives	Performance Gaps	Performance Indicators
<p>Prevention: We offer early, appropriate and effective interventions to reduce antisocial behaviour, assisting people in rebuilding healthy, productive lives.</p>	<ul style="list-style-type: none"> • Cross-sector, community-based strategies are required to protect vulnerable populations. We need to address the factors associated with prolific offending, and also address the factors that make people more vulnerable to victimization. • To improve road safety compliance, we need to better link critical information regarding high-risk drivers, such as driver records, prohibitions, administrative reviews and driver remedial actions. 	<p><i>READY</i></p> <ul style="list-style-type: none"> • Percentage of adult offenders who are not re-convicted in B.C. within two years of their release from custody. • Rate of reoffending among higher-volume offenders • Youth recidivism rate: youth who did not commit a new offence in the following five years • Number of traffic casualty collisions involving high risk drivers • Number of traffic fatalities <p><i>REQUIRES SURVEY</i></p> <ul style="list-style-type: none"> • Comparative rates of victimization among at-risk groups and general population
<p>Protection: We work together to reduce threats to public safety, protect complainants and victims of crime, and prevent re-victimization of the vulnerable by the system.</p>	<ul style="list-style-type: none"> • We need a coordinated, evidence-based framework for managing and supporting sexual and domestic violence cases through the courts and ensuring referrals to support services. • We require systemic information-sharing to increase the frequency 	<p><i>UNDER DEVELOPMENT</i></p> <ul style="list-style-type: none"> • Measure to assess success of support of sexual violence and domestic violence cases • Measure to establish prevalence of domestic violence • Measure of information sharing regarding missing persons

	with which missing persons are located.	
<p>Systemic approach: We work across all levels of government to understand and address root causes of crime, and support and participate in effective alternative interventions and innovation.</p>	<ul style="list-style-type: none"> • Meaningful options need to be available to the courts in support of alternatives to incarceration consistent with R v Gladue. • Coordinated efforts are required to ensure appropriate triage of mentally-disordered individuals, including adequate accommodation and treatment availability 	<p><i>READY</i></p> <ul style="list-style-type: none"> • Rate of Aboriginal incarceration (sentenced). • Proportion of provincial inmates with diagnosed (a) major mental disorders and (b) substance dependency. <p><i>UNDER DEVELOPMENT</i></p> <ul style="list-style-type: none"> • Police operational effort expended on calls associated to mental disorders.

Goal 3: Our Sector is sustainable

Goal level performance indicator: Combined annual cost of core justice and public safety sector programs (e.g., police, courts, correction, Crown) as a percentage of provincial GDP.

Objectives	Performance Gaps	Performance Indicators
<p>Focused efforts: Based on measurable demand, we make evidence-based decisions to resource the system's necessary functions, ensuring these services are delivered efficiently.</p>	<ul style="list-style-type: none"> • We need better measures of demand and workload for sector processes around which resource planning can occur. • Sustainable models for policing service delivery are required at the provincial, regional and municipal levels. 	<p><i>UNDER DEVELOPMENT (ALL)</i></p>
<p>Managed resources: We allocate resources prudently across the system according to clear</p>	<ul style="list-style-type: none"> • All significant public investments, in cash or in kind, need to be evaluated against expected outcomes identified in 	<p><i>UNDER DEVELOPMENT (ALL)</i></p>

<p>and demonstrated cause and effect.</p>	<p>advance.</p> <ul style="list-style-type: none"> • Savings or efficiencies created from reforms should be clearly identified through planning and measurement, and be reallocated where resources are most required. 	
<p>Effectiveness: We measure and improve the return on investment of public resources, collectively and as institutions.</p>	<ul style="list-style-type: none"> • We require a methodology to define the cost per key output for each of the sector’s major functions. 	<p><i>UNDER DEVELOPMENT (ALL)</i></p>

Goal 4: Our Sector has the public’s confidence

Goal level performance indicator: Percentage of sample of general population responding affirmatively to the question: “Are you confident in B.C.’s system of justice and public safety?”

Objectives	Performance Gaps	Performance Indicators
<p>Adaptive: We offer services and programs that are nimble; we solicit and respond to the needs of people and monitor the effectiveness of our programs.</p>	<ul style="list-style-type: none"> We need to establish, report on, and respond to feedback loops with sector client populations. 	<p><i>UNDER DEVELOPMENT (ALL)</i></p>
<p>Performance-focused: We assume collective and respective responsibility for system performance, engaging British Columbians in dialogue as users and observers of the system.</p>	<ul style="list-style-type: none"> Meaningful performance reports on core sector deliverables and services should be regularly published. 	<p><i>UNDER DEVELOPMENT (ALL)</i></p>
<p>Empowering: People entering the system have sufficient opportunity and support to learn its rules and practices at their level of</p>	<ul style="list-style-type: none"> People must be better informed and educated about ways in which the sector can assist them in adapting to change and resolving disputes. More user-needs-driven information should be 	<p><i>UNDER DEVELOPMENT (ALL)</i></p>

<p>need; the public both understands and values the system; we treat the time of every participant as valuable.</p>	<p>made available – and provided proactively – at the outset of proceedings.</p>	
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