

**October 7, 2004****Civil Justice Reform Working Group****Terms of Reference****Background**

The Justice Review Task Force (JRTF) was established on the initiative of the Law Society of B.C. in March 2002. The objective of the JRTF is to identify a wide range of potential reform initiatives that could make the justice system more responsive, accessible and efficient.

**Existing Initiatives**

The JRTF has already identified areas that it wishes to explore as a matter of priority. To that end, it formed three working groups:

- The Family Justice Reform Working Group: formed in July 2003 to explore options for fundamental change to the family justice system in B.C.;
- The Street Crime Working Group: formed in March 2004 to recommend a new criminal justice response to street crime, with a focus on Vancouver's downtown eastside; and
- The Mega-Trial Working Group: formed in April 2004 to recommend strategies to manage large criminal cases in B.C.

**Civil Justice Reform Working Group Mandate**

The JRTF recently formed the Civil Justice Reform Working Group (CJRWG) to explore fundamental change to the B.C. Supreme Court civil process. It is well documented that civil litigation has been beset with problems of cost, complexity and delay to the extent that the Supreme Court has become inaccessible to many members of the public. Despite a number of positive steps taken to address this problem, it is clear that much more needs to be done.

The CJRWG has been asked to consider the question: "Is there a better way for the B.C. civil justice system to resolve disputes?" Answering this question goes beyond mere procedural reforms and tinkering with the Supreme Court Rules. In order to solve these problems, the CJRWG must focus on the interests of the users of, and participants in, the legal system and find options that meet as many of those interests as possible.

These interests include:

- Accessibility: dispute resolution processes, including the trial, that are affordable, understandable and timely;
- Proportionality: procedures that are proportional to the matters in issue;
- Fairness: parties have equal and adequate opportunities to assert or defend their rights;
- Public Confidence: parties are confident that the civil justice system will meet their needs, and consider that it is trustworthy and accountable;
- Efficiency: the civil justice system uses public resources wisely and efficiently.
- Justice: the truth, to the greatest extent possible, is ascertained and applied to produce a just resolution.

In seeking possible solutions that meet as many of these interests as possible, the Working Group will keep an open mind, review the experience of both civil law and common law jurisdictions, not hastily rule out any options, and be willing to take on the uneasy task of questioning the basic assumptions of the status quo.

The CJRWG will:

- Become familiar with the literature defining the issues, challenges and options;

- Build on existing multi-jurisdictional literature and research to identify options for meaningful and comprehensive change;
- Identify and analyze impediments to change and develop strategies to address those impediments;
- Conduct the research, analysis and consultation necessary to develop recommendations suitable to the B.C. justice milieu;
- Coordinate its work with the other Working Groups identified above, acknowledging the functional overlaps in key areas;
- Report on an interim basis to the JRTF, as requested;
- Submit a final report and recommendation to the JRTF by December 2005.

The members of the CJRWG were nominated by the JRTF and represent various stakeholders. The present members are:

Chief Justice Donald Brenner, Supreme Court of British Columbia (Co-Chair)  
Allan Seckel, Q.C., Deputy Attorney General (Co-Chair)  
Madam Justice Laura Gerow, Supreme Court of British Columbia  
Associate Chief Judge Anthony Spence, Provincial Court of British Columbia  
Master William McCallum, Rules Revision Committee  
Richard Margetts, Q.C., representing the Law Society of B.C.  
Jim Vilvang Q.C., representing the Canadian Bar Association, B.C. Branch  
Helen Pedneault, Assistant Deputy Minister, Court Services Branch  
George Macintosh, Q.C., Member at Large  
Barbara M. Young, Member at Large

The CJRWG will be supported by a Coordinator (Kari Boyle) and the staff and resources of the Ministry of Attorney General, Dispute Resolution Office.