

# The Courts and Beyond: The Architecture of Justice in Transition - Introduction

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The 2012 annual conference of the Canadian Institute for the Administration of Justice, “The Courts and Beyond: The Architecture of Justice in Transition,” was held at the Fairmont Palliser Hotel on 10–12 October 2012 in Calgary, Alberta. The topic, timing and location of the conference could not have been more appropriate.

The lens of architecture is an effective one for assisting in current conversations about reform in our justice system. It is a significant understatement to say that access to justice is a topic of major importance to all legal stakeholders these days. According to the Chief Justice of Canada, “access to justice is the most important issue facing the legal system.”<sup>1</sup> Although concerns about the accessibility of justice have been raised for some time, there is a growing sense that the challenges facing our justice system have reached an unsustainable level. As such, two major national reports—one by the Action Committee on Access to Justice in Civil and Family Matters<sup>2</sup> and one by the Canadian Bar Association<sup>3</sup>—have recently addressed the issues of access to justice and justice sector reform. In different ways, both of these reports make use of an architectural approach to justice reform. The CBA’s report makes

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<sup>1</sup> Rt Hon Beverley McLachlin, PC, “The Challenges We Face,” citing the former Chief Justice of Ontario (remarks presented at Empire Club of Canada, Toronto, 8 March 2007), online: Supreme Court of Canada <<http://www.scc-csc.gc.ca/court-cour/ju/spe-dis/bm07-03-08-eng.asp>>.

<sup>2</sup> Action Committee on Access to Justice in Civil and Family Matters, *Access to Civil & Family Justice: A Roadmap for Change*, Final Report (Ottawa: Action Committee on Access to Justice in Civil and Family Matters, October 2013), online: Canadian Forum on Civil Justice <[http://www.cfcj-fcjc.org/sites/default/files/docs/2013/AC\\_Report\\_English\\_Final.pdf](http://www.cfcj-fcjc.org/sites/default/files/docs/2013/AC_Report_English_Final.pdf)>.

<sup>3</sup> Canadian Bar Association, Envisioning Equal Justice Project, *Equal Justice Report: An Invitation to Envision and Act* (Ottawa: Canadian Bar Association, August 2013).

specific and active use of terms such as “bridging” and “building.” And the Action Committee’s approach, with its focus on both an expanded front end to the justice system as well as on turning courts into expanded multi-service centres for public dispute resolution, also very much draws on an architectural sensibility. As such, there is no doubt that choosing the theme of architecture around which this collection of papers is based could not have been more topical or timely.

Further, the Palliser Hotel could also not have been a better location in which to have these papers presented. The Palliser Hotel, as is well known, is part of a collection of grand hotels that were built across Canada as the Canadian Pacific Railway opened up the country in the late 1800s and early 1900s. Being in this hotel, there was much beauty, history, nostalgia and grandeur that surrounded the participants and delegates as we discussed and debated these papers and ideas. One could almost feel the sense of energy and hope that came with the promise of a young country on the move. At the same time, there is no doubt that the opening up of Canada, through urbanization, globalization and industrialization, did not bring hope and prosperity to all. In fact, as continues to be the case today, vulnerable and isolated communities, particularly including our indigenous communities, were often marginalized by and excluded from much of the benefits that are enjoyed by a majority of Canadians. And the justice system is no exception. As such, architecture—as a tool to rebuild in the name of improved justice and access to it—needs not only to work for those who are included in the mainstream, it needs also to work for those who are currently excluded by it. Being reminded of these dual and often conflicting messages—opportunity and elitism, promise and exclusion—by the surrounding architecture of this hotel brought this dual responsibility into sharp relief.

The papers included in this collection each provide a useful perspective on various aspects of the renovation project that is much needed in the job site that is our system of justice. They include comments on an array of issues and topics including judicial appointments, the administration of court services, court based access to justice reform initiatives, rules reform and the inherent power of courts, opportunities and challenges regarding current access to justice reform efforts, the administration and reform of tribunals, technology and justice, and the role of the press. From international and domestic authors, including adjudicators and members of the judiciary, government, the bar, the academy, and the press, we are provided with a variety of perspectives and useful reform ideas. Collectively, they also demonstrate how

important it is for us to seek the assistance of a wide range of voices and perspectives when thinking about important improvements to our systems of justice. Diversity and collaboration should be central themes of any justice sector renovation project.

Before getting to the papers, I would like to conclude by acknowledging several people and organizations. This collection would not have been possible without the diligent work of several members of the Canadian Institute for the Administration of Justice, including Christine Robertson, Donna Ventress, Stephanie Claivaz-Loranger and Mary Plagakis. I am very grateful for extremely helpful editorial assistance from Nicole Aylwin, Executive Officer of the Canadian Forum on Civil Justice and Project Director of the Winkler Institute for Dispute Resolution. I am also grateful for editorial assistance from Karolina Wisniewski and Hannah De Jong. Finally, I would like to acknowledge the ongoing work of the Canadian Institute for the Administration of Justice, of which this collection now forms an important part, as well as the Canadian Forum on Civil Justice, which played a support role in the editorial process of this collection.

