



**Action Committee
on Modernizing
Court Operations**

**Progress report
2023-2024**

Table Of Contents

Message from Chief Justice Wagner.....	3
Message from Minister Virani	4
What We Do	5
How We Continued To Evolve	6
Building Relationships: Adopting New Ways Of Working With Our Indigenous Advisory Group	7
Published Guidance: Our Latest Work	8
Advancing Reconciliation by Improving Court Operations for Indigenous Peoples	8
Increasing Access to Justice for Court Users.....	9
Integrating Modern Technology in Court Operations	9
Supporting Emergency Preparedness and Responses in the Courts	10
What Lies Ahead.....	11
Acknowledging Our Partners.....	12
Membership of The Action Committee	13
Support Structure.....	14

Message from Chief Justice Wagner

As we reflect on the accomplishments and evolution of the Action Committee on Modernizing Court Operations, I am proud to continue in my role as co-chair of this Committee alongside the Honourable Arif Virani, Attorney General and Minister of Justice of Canada. Bringing together members of the executive and the judiciary, the Action Committee has continued to serve as a nexus for sharing information and fostering collaboration among judicial and justice partners nationwide. The Committee has been doing important work again this year to enhance the functionality of courts across the country for the benefit of their users, especially vulnerable and marginalized communities.

Over the past year, the Action Committee has remained steadfast in its commitment to providing adaptable guidance for courts, and it is with great pride that we reflect on the journey from our inception in May 2020. Following the Committee's shift away from addressing the effects of the COVID-19 pandemic, we have embraced a forward-looking perspective centered on modernizing court operations. With ever-increasing crises such as wildfires and extreme weather, the Committee has published practical guidance to support courts in planning for and responding to emergencies to minimize operational disruptions, uphold access to justice, and prevent backlog and delays.

The Action Committee's emphasis on user-centered justice also reflects the forward-thinking approach we have been adopting. Through a number of publications, the Committee has provided guidance underscoring the importance of incorporating court users' needs in both day-to-day court services and the broader modernization efforts to achieve equitable access to justice for all. This includes addressing the needs of vulnerable and marginalized communities who experience even greater difficulty in their interactions with the justice system. Guidance seeking to enhance collaboration between judges, court administrators and Indigenous court workers were also issued, under the leadership of the Indigenous Advisory Group, which I had the pleasure to meet last Spring.

The collaboration among the diverse partners at the table holds much promise as we delve into pivotal issues and topics in the upcoming year. I extend my gratitude to all those involved, including the dedicated members of the Action Committee, the Technical Working Group, the Indigenous Advisory Group, and our Secretariat. As we look to the future, I am optimistic about the positive impact our collective efforts will have on modernizing court operations and improving access to justice for all Canadians.

Message from Minister Virani

It is an honor to serve as the co-chair of the Action Committee on Modernizing Court Operations alongside the Right Honourable Richard Wagner. Stepping into this role as the Attorney General and Minister of Justice of Canada this year has been an enriching and humbling experience. I am eager to continue contributing to the ongoing work of this Committee, which has consistently demonstrated the power of collaboration across the justice system to improve the experience of court users by enhancing court operations across Canada.

The Action Committee plays an important role by providing non-prescriptive, practical guidance, offering insights to address challenges, and highlighting opportunities and innovative practices. In the past year, the Committee embraced a forward-looking perspective centered on modernizing court operations with access to justice at the forefront. Acknowledging this evolution, the Committee updated its name and Terms of Reference to better reflect its commitment to modernize court operations and enhance access to justice for court users at all levels of Canadian courts and in all types of court matters.

The Indigenous Advisory Group, chaired by the Honourable Shannon Smallwood, has been a crucial addition to the Action

Committee's structure, bringing together Indigenous judges and justice system professionals from across the country. Their insights have proved invaluable to the Committee's work, as we collectively seek to improve court operations for Indigenous court users. Importantly, the Indigenous Advisory Group developed guidance on collaboration between Canadian courts and Indigenous Courtworkers and on incorporating Indigenous practices in the courts. The Indigenous Advisory Group's work supports the Action Committee in addressing historic barriers for Indigenous people within the justice system and aligns very well with the Government of Canada's commitment to Reconciliation and the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples Act*. I am inspired by the strength of this partnership.

I am excited to further explore topics focused on user-centered justice, ways to collaborate with Indigenous-based programs in the courts, and other critical issues in the year ahead. I look forward to not only sharing my perspective in these discussions but also learning from the wealth of experience brought by other members of the Action Committee and the many organizations and individuals who contribute to our collective efforts.

1. What We Do

The Action Committee on Modernizing Court Operations (the Action Committee) develops non-prescriptive, practical guidance for addressing challenges, and highlights opportunities and innovative practices to modernize court operations and improve access to justice for court users. Its work targets all levels of Canadian courts, in all types of court matters, including criminal, civil and family. The Action Committee also acts as a hub for information sharing, coordination and collaboration among

judicial and justice partners who work in court operations across the country. Additionally, it identifies areas of further study that may interest policymakers, academics, and training providers in the field of court operations.

In carrying out its mandate, the Action Committee upholds the constitutional principle of judicial independence and recognizes the primary responsibility of provinces and territories for the administration of justice.



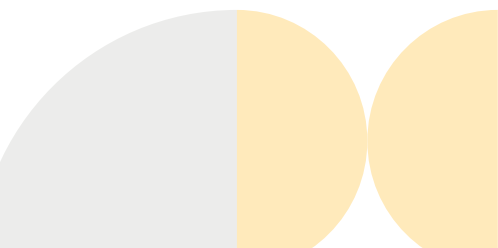
2. How We Continued To Evolve

This fourth year of operations marked a continued evolution for the Action Committee. As we shifted from examining the legacy impacts of the pandemic on court operations to focusing on modernizing courts for the future, we embraced new beginnings:

- We were pleased to welcome Minister Virani as our new co-chair.
- We updated the Action Committee's name and logo and further revised our Terms of Reference to reflect our new forward-looking mandate. We are now known as the Action Committee on Modernizing Court Operations.
- We strengthened our work structure by publishing Terms of Reference for our Technical Working Group (TWG), whose membership was expanded last year. The TWG ensures that national perspectives are reflected and the constitutional separation of powers is upheld in all of our work.
- In the spirit of Reconciliation with Indigenous Peoples, we began working collaboratively with our Indigenous Advisory Group (IAG), which was created last year. This year, the IAG contributed to all publications to incorporate Indigenous perspectives and led important initiatives to improve court operations for Indigenous court users.

- As our work became relevant to a broader range of people and organizations interested in court operations, we also took steps to increase our visibility and improve our communications with the courts, the justice sector, and beyond. For example, we:
 - Expanded our distribution network for new publications
 - Launched quarterly newsletters highlighting recent work
 - Created a sign-up option for members of the public to receive the newsletters

Amid this transition, the Action Committee has continued to act as a hub for coordination and collaboration, and to highlight adaptable innovations and best practices to assist courts in modernizing their operations and improving access to justice for all court users. As in years past, our outreach included many of Canada's Chief Justices, sitting judges, the Heads of Court Administration, the Canadian Centre for Occupational Health and Safety, court staff, and legal professionals from the public and private bar.



3. Building Relationships: Adopting New Ways Of Working With Our Indigenous Advisory Group

Collaborative work with the Indigenous Advisory Group has marked a new milestone. IAG members have drawn from their lived and professional experiences working with Indigenous court users to incorporate invaluable Indigenous perspectives into the Action Committee's ongoing work. Regular meetings and roundtables of the IAG have also provided a forum for Indigenous judges, courtworkers and legal service providers to build relationships and share insights across provinces and territories. And the IAG's role in developing its own work plan and leading topics of work relevant to Indigenous court users has broadened the voices reflected in our collaborative body of work. The Action Committee looks forward to building upon those relationships to further advance reconciliation with Indigenous Peoples by improving existing court operations in meaningful ways.



4. Publishing Guidance: Our Latest Work

As the Action Committee shifted fully to focusing on modernizing court operations, our areas of focus this year included promoting reconciliation by improving court operations for Indigenous Peoples, increasing access to justice for court users, integrating modern technology in court operations, and building the resiliency of the courts to withstand any future emergencies.

4.1 Advancing Reconciliation by Improving Court Operations for Indigenous Peoples

To improve existing court operations for Indigenous court users, our Indigenous Advisory Group led work on two publications that raise awareness of the role of Indigenous Courtworkers, and provide practice tips to help court actors engage with them effectively:

- [Role of Indigenous Courtworkers in Criminal Proceedings](#): Indigenous Courtworkers have supported Indigenous court users and proceedings across the country for over 40 years, but in many cases, their role is still not widely known or understood. This publication explores the role of Indigenous

Courtworkers who act as bridges between Indigenous people and the Canadian justice system by providing their clients information and assistance throughout justice processes and connecting them to relevant legal and social resources, while also promoting the court's awareness and appreciation of the values, customs, languages, and socio-economic conditions of Indigenous people.

- [Working with Indigenous Courtworkers: Useful Tips](#): Collaborating with Indigenous Courtworkers can help create a more welcoming, inclusive and accessible environment for Indigenous court users and help ensure that these users' unique cultural values, their experiences, and the challenges they have historically faced in accessing the Canadian justice system are properly considered. Drawing upon useful practices from across the country, this publication offers practical insights on how judges and justice actors can collaborate effectively with Indigenous Courtworkers to enable them to assist both their clients and the court most efficiently.

4.2 Increasing Access to Justice for Court Users

Recognizing that the needs of court users should guide modernization, the Action Committee examined the concept of user-centred justice and highlighted best practices in incorporating this lens when designing and implementing initiatives to modernize court operations. We published three documents on this topic:

- [Multi-Stakeholder Collaboration: Best Practices and Lessons Learned from the Pandemic](#): Engaging with a wide range of justice system actors allows courts to improve both their decision-making and service delivery for end-users. This tip sheet highlights the benefits and key elements of success of different models of collaboration and outlines operational tools that can support successful collaboration. It draws upon best practices and lessons learned across the country on how to collaborate effectively while safeguarding judicial independence. It also includes a study of the collaborative model implemented by the Ontario Courts Accessibility Committee (OCAC) to improve accessibility for court users with disabilities.
- [Understanding User-Centred Justice](#): To improve access to justice, it is important to understand and incorporate the needs of court users in both day-to-day court services

and broader modernization efforts. This publication sets out orienting principles and core phases, and includes a checklist to help courts incorporate a user-centred approach to delivering services and designing and implementing court processes.

- [Gathering User Perspectives to Support Effective Court Operations](#): Engaging with court users and those who support them through the court process is key to understanding and incorporating user needs into court services and modernization efforts. As a companion piece to *Understanding User-Centred Justice*, this tip sheet outlines methods and practice tips to gather user perspectives, includes practical examples from various courts, and highlights considerations relating to Indigenous communities and marginalized court users.

4.3 Integrating Modern Technology in Court Operations

Building upon its prior publications on virtual hearings, the Action Committee developed guidance focusing on [Virtual and hybrid hearings in family matters: best interests of the child](#) in consultation with family court judges and legal professionals across the country. This publication outlines considerations for selecting a mode of hearing and tips for improving the virtual hearing experience, based on how these procedural decisions can affect the best interests of the child.

4.4 Supporting Emergency Preparedness and Responses in the Courts

Over the past few years, court operations have often been disrupted for extended periods due to events such as the COVID-19 pandemic, severe weather, and wildfires. These events have highlighted the need for clear response and continuity plans to minimize operational disruptions,

uphold access to justice, and prevent backlog and delays in the face of future emergencies. Within this context, and in collaboration with the Canadian Centre for Occupational Health and Safety (CCOHS), the Action Committee published a tip sheet on [Planning for and Responding to Emergencies in the Courts](#). It includes considerations to help courts prepare for various types of emergencies, assess their impacts, and develop response plans to continue operating despite their effects.

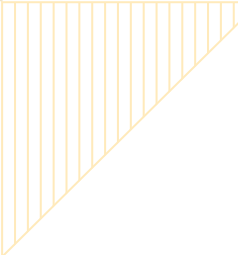
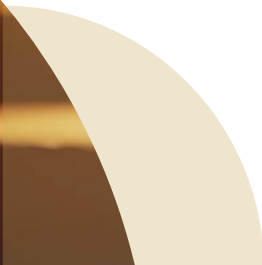


5. What Lies Ahead

As the Action Committee enters the coming year, its focus remains on advancing court modernization efforts to enhance the efficiency, accessibility, and responsiveness of Canadian courts in a dynamic and ever-changing landscape. Building on the significant strides made this past year, the Committee will continue to explore how to effectively integrate modern technology in the courts, promote access to justice through a user-centred lens, and integrate diverse perspectives, particularly those of equity-seeking or marginalized groups and Indigenous court users. It will also explore opportunities to collaborate with other

partners, enhancing the visibility of the Action Committee's work and drawing from the valuable experiences of partners engaged in modernizing and improving court operations.

The Action Committee will continue to consult key partners to achieve these objectives. This will include continued collaboration with the Indigenous Advisory Group, whose contributions and commitment to knowledge sharing will remain an integral part of the Committee's efforts to ensure that all its guidance is inclusive, culturally sensitive, and aligned with the unique needs of Indigenous court users.



6. Acknowledging Our Partners

The Action Committee thanks the following groups and individuals who contributed their time and expertise this past year to support its work in modernizing court operations, improving access to justice for court users, and enhancing the resilience of the courts. Your assistance has been invaluable:

- The many speakers who appeared before the Action Committee
- Indigenous Advisory Group
- Technical Working Group
- Heads of Court Administration (HoCA)
- Federal Commissioner for Judicial Affairs
- Canadian Centre for Occupational Health and Safety
- The numerous judges, legal professionals and other justice system actors consulted in the course of the Action Committee's work
- Former members who stepped away from the Action Committee this past year:
 - Honourable David Lametti, former Minister of Justice and Attorney General of Canada (outgoing co-chair)
 - Honourable Justice Mary Moreau
 - Honourable Justice Lise Maisonneuve
 - Heather Jeffrey, President of the Public Health Agency of Canada

7. Membership of The Action Committee

As of March 31, 2024

**RIGHT HONOURABLE
RICHARD WAGNER**

Chief Justice of Canada (Co-Chair)

HONOURABLE ARIF VIRANI

Minister of Justice and Attorney General
of Canada (Co-Chair)

HONOURABLE MANON SAVARD

Chief Justice of Quebec

Canadian Judicial Council

**HONOURABLE GEOFFREY
MORAWETZ**

Chief Justice of the Ontario Superior
Court of Justice

Canadian Judicial Council

**HONOURABLE SHANNON
SMALLWOOD**

Chief Justice of the Supreme Court of
the Northwest Territories

Canadian Judicial Council and Chair of
the Indigenous Advisory Group

HONOURABLE MELISSA GILLESPIE
Chief Judge of the Provincial Court of
British Columbia

Chair of the Canadian Council of Chief
Judges

HONOURABLE NIKI SHARMA
Attorney General of British Columbia

HONOURABLE DOUG DOWNEY
Attorney General of Ontario

SHALENE CURTIS-MICALLEF
Deputy Minister of Justice and Deputy
Attorney General of Canada

JEREMY AKERSTREAM
Deputy Minister of Justice and Deputy
Attorney General of Manitoba

Representative of the Heads of Court
Administration

STÉPHANIE BACHAND
Executive Legal Officer, Supreme Court
of Canada

8. Support Structure

Throughout the year, the Action Committee continued to meet quarterly to develop and review guidance, collaborate, and share information among its members. To achieve these objectives, the Action Committee continued to rely on the experience and expertise of its Indigenous Advisory Group, its Technical Working Group, and its Secretariat.

Indigenous Advisory Group (IAG)

The IAG plays a dual role: it contributes to Action Committee work products by incorporating the perspectives of Indigenous persons, and leads work on select topics to improve court operations for Indigenous court users. The IAG is chaired by the Honourable Shannon Smallwood, Chief Justice of the Supreme Court of the Northwest Territories, and its membership includes, as of March 31, 2024

- The Chief Justice of British Columbia
- Judges from the Ontario Superior Court of Justice and the Nova Scotia Supreme Court
- Executives from the BC First Nations Justice Council and Aboriginal Legal Services (Ontario)
- Indigenous Courtworkers from the Native Counselling Services of Alberta, Yorkton Tribal Council (Saskatchewan), Native Para-Judicial Services of Quebec, Makivik Justice Department (Quebec), and the Carcross/Tagish First Nation (Yukon)
- A representative of the Elsipogtog Health & Wellness Centre (New Brunswick)

Technical Working Group (TWG)

The TWG ensures that: the Action Committee's work aligns with its mandate; reflects national perspectives at various levels of court; upholds judicial independence; and respects provincial/territorial jurisdiction over the administration of justice. The TWG is chaired by the Honourable Michael MacDonald, former Chief Justice of Nova Scotia, and its membership includes, as of March 31, 2024

- The Chief Justice of the Supreme Court of the Northwest Territories, in her capacity as the Chair of the Indigenous Advisory Group of the Action Committee
- The Executive Legal Officer of the Supreme Court of Canada
- The Commissioner for Federal Judicial Affairs, in his capacity as Director of the Canadian Judicial Council
- Representatives of the federal Courts Administration Service
- Representatives of the Heads of Court Administration
- Officials from provinces or territories whose Minister or Deputy Minister responsible for justice sits on the Action Committee
- Officials from the Canadian Centre for Occupational Health and Safety
- Employees of Justice Canada

Secretariat of the Action Committee (SAC)

The Action Committee, its IAG and its TWG are supported by a Secretariat comprised of counsel and other professionals from the Judicial Affairs Section of Justice Canada. Guided by the Action Committee, the TWG, and the IAG, the SAC helps to identify

topics of work, develop agendas for Action Committee meetings, identify appropriate experts as needed, and draft documents for the Action Committee's approval. To carry out this work, the SAC consults with various partners across the country to gather relevant information on current challenges and best practices.

