



Judging virtually demands new skills from judges

During the pandemic the BC Provincial Court modified many of its front-end procedures to maintain British Columbians' access to justice. Innovations like virtual conferences, virtual bail hearings, and digital court orders did more than that. They reduced barriers for court users and improved timely access. Because they've worked well, those new procedures are here to stay. But while we celebrate these improvements in access to justice, it's important to acknowledge the heavy new demands they've made of the Court's judicial officers.

The Court's rapid switch to virtual proceedings in 2020/21 has demanded an increasingly high level of technical competence from Provincial Court judges and judicial justices. In the last three years they've had to ramp up their computer skills and master new platforms at breakneck speed in order to make the Court's technological advances work effectively.

Judges now conduct conferences in criminal, family, and civil cases on the Microsoft Teams videoconferencing platform, with all participants connected by computer or phone. The Court has also opened six virtual bail courts that exist only "in the cloud", staffed by judges and court clerks who may be anywhere in BC, with lawyers and accused persons appearing remotely from around the province.

Judging these matters virtually requires skillful multitasking, and it has added a significant degree of complexity to the work judges are doing.

What new skills do virtual proceedings demand from a judge?

Provincial Court Chief Judge Melissa Gillespie described judging virtually like this:

"In a physical courtroom, there's a court clerk seated in front of you who can take the documents you need to see out of the paper court file and hand them to you. When you sit in a virtual court you may be in your office and the clerk may be somewhere completely different – not in your office, and not even in your courthouse.



When you preside in virtual bail court for example, you must be able to pull up your Provincial Court Scheduling System (PCSS) to see the list of matters you'll be dealing with that day. There will be a lot of court files on the list, so you've got to be able to go into PCSS, toggle between multiple informations (the documents containing charges), and perhaps pull up bail or probation orders previously imposed. You also have to open a separate drive to locate documents like criminal records, psychological reports, and letters of support, and open those documents to read them.

Picture this. On my computer I'll have my Microsoft Teams screen open to see the lawyers and accused person and manage the videoconference. I'll have my computer screen split in half with my PCSS list on one side and the other side open so I can toggle between informations. I'll also have a small window open for my document drive. As the lawyers make their submissions, I'm moving back and forth among all those areas while also making notes of the evidence and information I'm hearing.

If I'm going to make a bail order, I must also open up my picklist (a numbered list with standard wording of bail terms) so I'm able to read the terms I've decided on out loud when I impose the bail order."

The Chief Judge added:

"Presiding in family management and civil settlement conferences presents similar challenges, as I must mediate on the videoconference platform while also managing the court list, the documents on the electronic file in PCSS, and the family court order picklist on my computer screen.

The Provincial Court Family Rules now enable people to apply for and judges to issue some procedural orders ("desk orders") digitally. This avoids people having to attend court for these orders, saving them time and money and reducing barriers to justice. However, judges have had to learn to manage new software to consider and issue these orders. And while some of the applications are straightforward, others require the judge to toggle between different programs to review documents in the electronic court file and consult the picklist when wording a court order.

Judicial justices have also needed to acquire new technological skills as they adapt to Criminal Code amendments authorizing telewarrant applications.

To help with the steep learning curve these innovations have required, the Court has offered training in the new technology and our judicial officers have taken advantage of it, using their lunch hours.”

Moving out of the courtroom and online

“Virtual proceedings allow us to schedule judges who are in one court location to help with long court lists in another. A judge may now spend their day working remotely – dealing with cases from around the province and switching from mediating case conferences to conducting virtual bail hearings and back. It’s more isolated than presiding in a physical courtroom where there are opportunities to engage with sheriffs and court staff.”

Reflecting on the new demands that using technology to improve access to justice has made of judges, Chief Judge Gillespie concluded:

“I am very proud of the BC Provincial Court, its innovations, and the work it does. I’m honoured to work with this group of judges and judicial justices. I have asked a lot from them over the last three years, and I continue to bang on their doors to improve, to modernize, and to learn new skills.

The Provincial Court is a leader in innovation in this country. We talk about access to justice, but this court is making efforts to make that a reality. We modified our processes during COVID to maintain access and ensure the pandemic didn’t leave us with a large backlog of cases – in 2022 overall weighted provincial time-to-trial delays were generally similar to pre-COVID wait-times. And we’ve continued the changes that improved access to justice.

Our greatest asset is our dedicated people – judges, judicial justices, judicial case managers, judicial administrative assistants, legal officers, IT and Integrated Judicial Services support teams – who have all accepted the challenges of adapting to major changes in their work and learning the new skills required. I am grateful to all of them for their commitment and willingness to do this to make real improvements in access to justice.”

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