



ACTION RECOMMENDED

CBABC recommends that the BC Government:

- Provide rural communities, including Indigenous communities, with high-speed internet access and necessary computer equipment and training so that they can access and participate in court and justice services.
- Encourage new lawyers, through a student loan forgiveness program, to establish legal services in rural communities to increase the geographic proximity of lawyers to the people they serve.

ISSUE

There are three primary issues facing rural British Columbians with respect to accessing online legal information, legal and support services, compounded by the increasingly digital/virtual services of the courts and out-of-court resolution services:

- a) lack of high-speed internet access;
- b) lack of access to computers, training and support
- c) shortage of lawyers in reasonably close proximity.

Access to Technology

It is well-established that rural communities, particularly Indigenous communities in remote areas, do not have the necessary internet bandwidth to access online legal information and resources. In addition, there are few publicly-accessible computers with required software at community locations such as libraries and community centres to access courts and other justice services virtually. Although Indigenous Justice Centres and other community-based advocacy organizations may have the necessary hardware and internet capabilities, they may not be available to the public for private use to attend a court hearing or access a lawyer for legal advice.

The International Centre for Criminal Law Reform and Criminal Justice Policy in its comprehensive report, *Enhancing Access to Justice for Women Living in Rural and Remote Areas of British Columbia: Reviewing Practices from Canada and Abroad to Improve Our Response* outlines the need for and barriers to technology-based forms of access. As the report says on page 83,

Technology solutions assume access to the internet, computers, reasonable proficiency at using computers and software programmes, literacy, fluency in English, sufficient phone or cable and electricity availability and capacity to afford the costs, which is not always the case in rural and remote areas. Technology can bridge spatial divides quickly and efficiently and has thus been increasingly used to enhance rural access to justice. It can increase the geographic reach of existing justice services by connecting justice providers with justice users, lawyers with clients, and witnesses to courts, over greater distances that do not require face-to-face interactions. At its simplest, technology might be constituted by a telephone link, however, Skype and other



video call conferencing technologies have gained some traction in providing legal services in hard-to-reach places. Videoconferencing can be done using ISDN 'dial-up' or Internet based, which is less expensive but there may be more security issues which is particularly important for maintaining the integrity of evidence if used in remote witness testimonies. Promoting the use of technology can mean lawyers are able to conduct phone or video consultations with clients, courts would have the ability to receive documents electronically; using fax, internet and case management software. It also improves the reach of public legal education material as well as the availability of a range of legal self-help measures, such as completing and submitting forms online.

Shortage of Rural Lawyers

There is an ever-increasing shortage of lawyers in most rural BC communities. The following areas, all of which overlap with locations of Indigenous communities, have been identified as "high needs" as there are no lawyers present or a ration of lawyers to British Columbians of greater than 1 lawyer to 1000 people:

- Houston/Burns Lake/Vanderhoof
- Fort Nelson/Fort St. John
- Quesnel
- Haida Gwaii
- Powell River
- Golden/Invermere/Sparwood/Elkford
- Nakusp/Kaslo
- Grand Forks/Castlegar
- Penticton/Osoyoos/Oliver (Okanagan Similkameen Regional District)
- Port Alberni/Ucluelet/Tofino
- Port Hardy and points north of Campbell River

It is important to recognize that a lack of available legal services does more than just prevent residents from accessing legal advice; such a deprivation also results in more limited overall community infrastructure (for families and businesses), contributes to the stagnation of local economies by preventing the creation of more jobs, and hinders overall access to justice.

One significant obstacle that has prevented recent law graduates from seeking articling and junior lawyer positions in rural or remote communities is the substantial student loan debt that they had to incur in order to obtain a legal education. Tuition alone can exceed \$30,000 per year at some institutions and it is of no surprise that the vast majority of law school graduates leave law school with substantial debt owing to student loans, private institutions and family members.



Paying this debt as quickly as possible is a significant priority for most young lawyers, and accordingly, many seek positions that can offer a high salary. Those salaries are earned at large regional, national or international firms which are concentrated in urban areas such as Vancouver. Smaller communities, where the financial compensation to lawyers is less, have difficulty attracting law graduates.

A simple solution is to implement a student loan debt forgiveness program. By reducing some of the debt load in exchange for establishing a practice in a rural community, new law graduates would have the incentive to serve rural and indigenous communities. Such a program would supplement the efforts of the CBABC through its REAL program which places law students in rural communities to expose them to the kind of law and practice they will experience there.

WHY IT MATTERS

These gaps contribute to the general inequity between rural and urban communities and the access to justice challenge for those in rural communities, including Indigenous communities.

Closing this access to justice gap in all its forms would achieve greater fairness and equity for British Columbians living outside urban areas. It would reduce ineffective self-help measures and the general frustration and lack of confidence in justice systems which seem beyond the practical reach of many in the community.

REFERENCE MATERIALS

[*Enhancing Access to Justice for Women Living in Rural and Remote Areas of British Columbia: Reviewing Practices from Canada and Abroad to Improve Our Response*](#), E. Skinnider and R. Montgomery (Jul 2017)

[*Everyday Legal Needs 2020 Survey*](#), Legal Aid BC (Aug 2020)

[*Rural Education and Access to Lawyers*](#), Canadian Bar Association, BC Branch

Links to all *Agenda for Justice 2021* reference materials are available at cbabc.org/A4Jbackground.