



MEMORANDUM

TO: Members of the public

FROM: Chief Justice Tracey K. DeWare

DATE: September 11th. 2024

RE: Reforming New Brunswick's Courts to Enhance Access to Justice

As Chief Justice of the Court of King's Bench of New Brunswick, I am committed to ensuring that our justice system is both efficient and accessible. Over the past few years, you have heard me express genuine concern and frustration with the pace of justice in New Brunswick courts. Family justice continues to be plagued by lengthy delays, due in part to a rise in child protection proceedings, and criminal matters remain the priority for the Trial Division, leaving civil remedies to languish. A significant population growth and unfilled judicial vacancies exacerbated the situation. But today, I bring you positive developments in response to the challenges our trial courts have faced. On July 24, 2024, the federal government appointed two new judges to the Court of King's Bench, reducing our vacancies to one. Further, we are implementing a series of vital reforms aimed at reducing delays and improving access to justice for all.

Effective immediately, strict compliance with the Rules of Court is required before proceedings can commence in the Family Division. This means that all necessary documentation, including financial records, must be filed before a court date is scheduled. This measure is designed to tackle the issue of adjournments due to missing paperwork, which has long been a significant barrier to timely justice for family litigants. By ensuring all parties are fully prepared from the outset, we can streamline the process and reduce unnecessary delays.

Resources are available to unrepresented parties through the [Public Legal Education and Information Service of New Brunswick](#) (PLEIS-NB), and the toll-free Family Law Information Line at 1-888-236-2444. Family advice lawyers are available by appointment to provide free general legal information for up to two hours on family law matters. To book an appointment, call toll-free 1-855-266-0266. In the Saint John and Moncton regions, the Family Law Information Centre (FLIC) will assist you by calling 506-658-2261 (Saint John) and 506-856-3131 (Moncton). You may also contact the Law Society of New Brunswick at (506) 458-8540 to find a lawyer to assist you or if you cannot afford a lawyer, you may be eligible for [family legal aid](#) through the [New Brunswick Legal Aid Services Commission](#).

Starting December 1st, 2024, we will roll out long-awaited reforms to the child protection adjudication in New Brunswick. This new model aims to provide a more responsive and efficient system for handling child protection cases, ensuring that the best interests of the children remain the primary concern. The introduction of hearing officers to assist in the early stages of child protection proceedings will free up our justices to focus on private family matters, thereby enhancing the overall efficiency of our court system.

Additionally, we are excited to introduce Binding Judicial Resolution Conferences (BJRC) as of October 15th, 2024, under Rule 50.16 of the Rules of Court. The BJRC is a two-stage confidential settlement process where parties in a legal dispute work together with the assistance of a judge to resolve their issues. If a complete settlement cannot be reached, the judge will decide any outstanding issues. This process is particularly effective for cases involving parenting arrangements, support matters, division of property, and other civil matters with defined issues. While not suitable for cases such as those involving domestic violence or complex issues, the BJRC offers a streamlined alternative to traditional court proceedings, providing parties with an opportunity to resolve their disputes in a more efficient and cooperative manner.

Furthermore, amendments to the Small Claims regulation, effective October 15th, 2024, will bring significant changes to how appeals are handled. Previously, parties dissatisfied with their small claims hearing outcomes could appeal by way of a new hearing, giving people a second kick at the can. This will no longer be the case. Instead, appeals of small claims decisions will proceed as regular appeals before the Court of King's Bench, limited to errors in law or questions of jurisdiction. This will make the appeals process quicker and clearer for everyone involved.

These reforms reflect our unwavering commitment to enhancing access to justice in New Brunswick. By reducing delays, clarifying procedures, and introducing innovative dispute resolution mechanisms, we are striving to make our justice system more efficient and accessible for everyone. The adoption of more

collaborative, less adversarial approaches is a conscious effort to minimize conflict for our most vulnerable, ensuring better outcomes for all.

As we implement these changes, I encourage all stakeholders to engage proactively and constructively. Together, we can ensure that these reforms achieve their intended goals, paving the way for a more just and equitable legal system in New Brunswick. Through our collective efforts, we can make meaningful progress toward a future where justice is truly accessible for all.

Yours very truly,

Tracey K. DeWare, Chief Justice of the Court
Of King's Bench of New Brunswick