

Oral submission to the Rules Committee (Access to Justice Working Group) from Community Law Canterbury (Supervising Solicitor Ms Louise Taylor) on 9 September 2020

By way of context, Community Law Canterbury is the largest of the 24 Community Law Centres in the country with 24 employed lawyers, several volunteer lawyers and a staff of 60. The centre has offices and 32 outreach clinics from Kaikoura in the north to Oamaru in the south and on the West Coast of the South Island. They also operate clinics in lower socio-economic areas of Christchurch city. The Greater Christchurch and Canterbury Resolution Service (Earthquake Claims) is also a part of Community Law although it operates independently through MBIE.

Over 20,000 people annually seek advice from the Community Law Canterbury offices. The changes to the operation of the Family Court saw the family/domestic violence work of the centre increase from just four per cent to over 40 per cent of the centre's total workload. The remaining workload consists of employment (25 %) (which the centre anticipates will increase markedly) and Tenancy, Civil and Debt collection making up the balance.

The centre provides a range of services from initial legal advice right through to representation in court to people whose income does not exceed \$25,000 per annum or \$32,000 for a family. They do not do any work on civil legal aid. Sometimes, the centre will represent the client all the way through a proceeding in court. On other occasions, they will simply provide advice in the background.

Many of the centre's clients, especially those who were not born in New Zealand, are very fearful of systems. Although there is a high level of trust in judges, the clients are very afraid that any information given to the court will be passed on to government agencies or used by others. As such, they are very frightened of interactions with the court whenever a judge is not present.

Many of the clients are also very afraid of the possibility of having an award of costs made against them. Indeed, the whole costs' regime is bewildering to them. They also find the delays in court processes to be exhausting. Overall, their clients have a great deal of difficulty understanding the advice provided in the documents they receive. Family Court documents are provided electronically. This creates problems for the clients, for many of whom a library is

the only place they can access the internet. Or, they endeavour to read (sometimes 40 pages of documents about what to do) on their phones with limited available data.

Often, clients do not approach the centre until well after the event and they provide information in a very piecemeal fashion. With debt collection work, it is not until the judgment creditor is seeking to enforce the judgment that a client will seek advice.

Ms Taylor remarked that the judicial system is predicated on there being an equal fight between equally resourced parties, but the reality is anything but. The Centre considers that the following matters would promote greater access to justice:

- Greater availability of counsel to assist a party;
- Genuinely available civil legal aid lawyers. There is a reluctance amongst lawyers to do civil legal aid, partly because of the modest rate of remuneration but mostly because the Legal Services agency will not pay for everything that the lawyer considers should be done for the client.
- Vastly simplify the advice given to a party in court documents and give straightforward advice about how to obtain a paper copy of documents/how to get a lawyer etc.
- Although, Ms Taylor recognises the resourcing practicalities of the situation, wherever possible, deal with things in court rather than in Chambers or on the papers and have the same judge deal with matters throughout.