



THE CANADIAN
BAR ASSOCIATION
British Columbia Branch

July 29, 2020

Sunny Dhaliwal
Assistant Deputy Minister
Ministry of Citizens Services
Sunny.dhaliwal@gov.bc.ca

Salman Azam
Assistant Deputy Minister
Ministry of Attorney General
Salman.azam@gov.bc.ca

Dear Sunny Dhaliwal and Salman Azam,

I write on behalf of the Canadian Bar Association - BC Branch ("CBABC") with respect to the decision not to renew the lease of the Law Courts Inn space at the Vancouver Law Courts building to the Lawyers Inn Society. The Canadian Bar Association is a national legal professional association, focused solely on protecting and furthering the interests of lawyers. CBA is dedicated to protecting the rule of law, the independence of the judiciary and the Bar, and improving laws, the justice system and access to justice. CBA believes in equality, diversity and inclusiveness in the profession and in the justice system. CBABC carries out the mission of the CBA in British Columbia through community building and support, learning and development, and advocacy and professional initiatives within the legal profession. We have 7,200 members in British Columbia.

I have reviewed Adam Howden-Duke's letter of June 25, 2020 as well as Sunny Dhaliwal's response of July 17, 2020. Mr. Howden-Duke, President of the Lawyers Inn Society, has admirably described the history of the Law Courts Inn including its use of the public restaurant space. Mr. Howden-Duke and Ms. Lambert of the Arthur Erickson Foundation point out the space in issue was initially intended to be used as a public gathering space. Courthouses are not just office buildings. They are public places and public institutions. We support and agree with their concerns.

The Law Courts Inn is a valuable resource to the legal profession in Vancouver. Court users, whether litigants or their counsel, rely on the availability of the Law Courts Inn to gather over the lunch break to prepare for the afternoon session while rejuvenating with a meal. These breaks are essential for the orderly administration of justice in the busiest courthouse in the Province and denying court users that convenient and accessible opportunity places an additional burden on litigants, lawyers and judges.

Further, the Law Courts Inn is an invaluable resource to the public as a whole as a meeting place. Mr. Howden-Duke enumerated many of the organizations which utilize the Law Courts Inn for affordable meeting space. Some of those organizations provide pro bono legal services, others provide other important charitable works. CBABC relies on the Law Courts Inn as a location for many of our professional development sessions. Specifically, we have many Sections, which are communities within our organization organized on the basis of either substantive practice area (i.e. Wills & Trusts) or affinity (i.e. the Women Lawyers Forum), which utilize the Law Courts Inn to host affordable professional development sessions for over a 100 lawyers each session. These sessions are essential to maintain an informed and skilled Bar.

One of the hallmarks of the legal profession is collegiality. Shakespeare famously wrote of lawyers as striving mightily but eating and drinking as friends. (*Taming of the Shrew*, Act 1, Scene 2, line 277) Indeed, this has served as the motto of the Law Courts Inn. The principle of an independent and impartial bar who can objectively strive mightily on the case before the courts while remaining courteous and indeed friendly with their adversary, rather than litigating out of spite or malice, is in the best interests of justice. The use of this public gathering space as the Law Courts Inn promotes that principle of justice.

Recognizing that the proposed use of space is for “government’s operational requirements”, we note that the pandemic has afforded many in the legal industry, including lawyers, judges, assistants and court service staff, the opportunity to work from home. The concept of the workplace has changed and should continue to change. Being in a centrally-located shared physical space is no longer a necessity. This means that operations will find themselves re-configuring their space to use less. For the courthouse operation, this means several things. First, there will be additional commercial office space that will become available adjacent to the courthouse in downtown Vancouver which may provide an alternative to the Law Courts Inn space. Second, the way in which the court services staff, judicial support staff and judges themselves work and the space required has also likely changed, with many finding they can work effectively from home on a full-time or part-time basis depending on their job. As the Court Digital Transformation Strategy is rapidly implemented, there may be less space required for physical storage. All of these changes may very well mean that less space is required compared to that contemplated when discussions were held earlier this year.

Courthouses are not just government offices and the Law Courts Inn is not just a restaurant, each are important parts of the institution of providing justice to British Columbians. Decisions with respect to that space should be made keeping in mind the institutional importance of both the Courthouse and that space. We call on the Ministry to reconsider its decision and renew its lease with the Lawyers Inn Society, allowing the space to continue as initially intended: an integral part of the courthouse.

Yours truly,



Ken Armstrong
CBABC President, 2019-20

- cc. Honourable Robert Bauman, Chief Justice of British Columbia
Honourable Christopher Hinkson, Chief Justice of the Supreme Court of British Columbia
Honourable Melissa Gillespie, Chief Judge of the Provincial Court of British Columbia
Adam Howden-Duke, Lawyers Inn Society
Craig Ferris, Law Society of British Columbia