



PRACTICE DIRECTION

Access to the Court for Lawyers and Articled Students who have a disability January 4, 2008

It is an established principle that our Court is open to the public. It goes without saying that the Court must also be open to the legal profession that serves the public. In order for the openness principle to be meaningful, our Court must strive to overcome any barriers that bar access to the Court for lawyers and articled students.

It appears that there is a lack of certainty as to the right of lawyers and articled students with a disability to have their needs accommodated by the Court. Accordingly, the following practice direction is issued pursuant to the common law authority that the Court has to govern its own processes, and pursuant to the powers and duties of the Chief Judge to assign duties to a judge or justice (s.11(1)(c)), and to provide direction in matters of judicial administration (s.41(2) of the *Provincial Court Act*.

When a matter is being scheduled for a hearing, lawyers and articled students who self-identify as having a particular disability and who present themselves to a Judicial Case Manager or to a Justice of the Peace, Judicial Justice of the Peace or Provincial Court Judge, whether in Court or at a Court Registry, should be scheduled so as to accommodate their particular disability to the extent that it is not an undue hardship on the Court or would unreasonably interfere with the administration of justice.

Requests regarding scheduling of any matter by a lawyer or articled student with a disability are to be addressed in the following manner:

- A lawyer or articled student who self-identifies as having a disability that impacts his or her ability to access the Court should be asked to identify his/her need for accommodation from the Court
- The lawyer or articled student who has a disability should be heard by the JCM, JJP or PCJ at the earliest opportunity and should not be asked to wait until more senior counsel have been heard
- To the extent that it does not pose an undue hardship for the Court or unreasonably interfere with the administration of the Court, the disability of the lawyer or articled student should be accommodated.

A handwritten signature in black ink that reads "Hugh C. Stansfield".

Hugh C. Stansfield
Chief Judge

NB: Appended to this practice direction is a list of factors which may inform Judicial Case Managers and the Court when scheduling or hearing lawyers or articled students with a disability.

**Factors that a Court May Consider
When Scheduling Lawyers/Articled Students with a Disability**

1. The nature of the disability and its impact on the ability of the lawyer or articled student to access the court - e.g. consideration should be given as to whether a particular time of day, court or courtroom location, or other matter has an impact on the accessibility of the Court.
2. Whether any physical accommodations should be put in place by the Court in order to accommodate the needs of the lawyer or articled student; e.g. a chair, an amplifying microphone, etc.
3. Whether there is a need to notify any court staff, sheriffs or members of the judiciary of the presence of the lawyer or articled student in the Court, and any accommodation which will be required or which already has been arranged to be in place.