



April 19, 2015

VIA EMAIL & MAIL

The Hon. Brian Gallant,
Premier of New Brunswick
P.O. Box 6000
Fredericton, N.B.
E3B-5H1

RE: Closures of Regional Courthouses

Mr. Premier:

I write to express our profound concern regarding the recently announced closures of various courthouses in New Brunswick, particularly those in Charlotte County.

By closing the courthouses in St. Stephen and on Grand Manan - a substantially increased burden of accessing justice will fall on the individual citizens being called to the Court or otherwise participating in the justice system.

This increased financial burden on individuals will include:

- Additional expense to attend at court; be it taking a ferry, great travel distances, renting cars or staying overnight in Saint John so as to be able to appear on time at Court. These expenses will be borne by the accused; and applied to witnesses and law enforcement officers.
- The accused will be put to significantly higher expense in defending charges, as counsel will have much longer travel times and disbursements will be increased for their regular local representation.
- In some cases the cost of defending and appearing at Court will be much greater than accepting the charge and paying a fine. Accused may plead guilty to lesser charges or original charges - not out of guilt, but out of financial convenience. Those who stand on principle are generally only those who can afford it. Many will choose a criminal record over defending themselves at too great a financial cost.

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The effect of these closures is not limited to financial cost:

- Accepting a criminal record due to cost of pursuing a legal defence could put unintended impediments on future employment and travel; and could adversely affect future dealings within the criminal justice system.
- Accused without transportation or who are not at Court on time for whatever vagaries of travel will be unreasonably subjected to arrest warrants for "Failures to Appear".
- In the case of Grand Manan criminal trials, there is a serious concern of accused, witnesses and law enforcement travelling at the same time on the same ferry. All three of these groups deserve privacy and separation as they travel to Court.

Finally, one of the fundamental characteristics of legal representation is the ability of a client to select counsel of their own choosing. Their choice is based on factors important to them; be it familiarity, faith in abilities, an existing solicitor-client relationship, proximity or any other factor relevant to the individual client. With Court closures, clients may be forced to choose counsel who work in city centres for entering pleas or handling their case - thus creating an undesired lack of continuity in their overall legal representation and a choice based on purely economic grounds.

These closures create a genuine access to justice concern for all those living in affected areas. While there may be some administrative savings related to moving all court matters to city centers - cost saving to the Government of New Brunswick should not be the primary concern in the delivery and administration of justice. Court services are a basic right of citizens; and a right that should not be unreasonably or unduly burdensome to those of one county, as compared to another.

The transfer of costs to these communities and citizens is not reasonable, nor is it democratic. It is hoped that the impact of these court closures will be reconsidered and reversed.

Sincerely,



Libby Kinghorne, Esq.
Executive Director