

Tribunals' Responsiveness to the Mentally Ill Participant

Speaker: The Honourable Justice Edward F. Ormston, Chair, Ontario Mental Health Court

In the regular system of justice, individuals interact with many people working under defined roles and procedures. Processes often create barriers that prevent the tribunal from identifying and responding to the unique needs of the mentally ill participant. Self-representation is common at tribunals. The ability to understand the process and effectively participate is compromised when a participant is mentally ill. Justice Ormston chairs a relatively new Canadian court for the mentally ill reflecting a form of “therapeutic jurisprudence”. The court is non-adversarial, with relaxed rules of procedure, decorum, and evidence. From this mental health court, we can learn about ways to create effective cooperation between two systems that have not worked closely together.