

Protocol for the Use of Video Conferencing in the Court of Queen's Bench for Saskatchewan

Purpose:

Video conferencing may be used, when appropriate, to reduce or avoid travel for parties, witnesses and judges and to facilitate timely and cost-effective access to justice for parties in the Court. The purpose of this Protocol is to ensure that parties and counsel are aware of the availability of video conferencing to facilitate the conduct of proceedings before the Court and to set out some parameters for the use of video conferencing in court proceedings.

Interplay between Protocol and *The Queen's Bench Rules*:

This Protocol is intended to supplement the following Rules of Court:

- 284A** (1) The court may order that the testimony of any witness taken *viva voce* by telephone or by any audio-visual method approved by the court shall be admissible in evidence:
- (a) where the parties consent; or
 - (b) where it may be necessary for the purposes of justice.

...

(5) Telephone or other charges shall be paid in the first instance by the party on whose behalf the witness is called, and unless otherwise ordered, may be claimed as a proper disbursement in the proceedings.

- 460A** (1)
- (a) Any application which could be made in chambers may be made before a judge by telephone.
 - (b) Each party to the application and the local registrar must be parties to the telephone conversation with the presiding judge.
 - (c) Where counsel appearing on the conference telephone application are located at a judicial centre, they shall make the application from the office of the local registrar at the judicial centre.
 - (d) All material normally filed in support of an application shall be filed in the usual way. If requested by the parties or the judge, the material or part thereof will be forwarded to the judge to be available for the hearing.
 - (e) The local registrar will have before him all the material filed other than that which has been sent to the judge.
 - (f) The judge who hears an application under this rule may, where it appears that personal attendance of counsel is desirable, direct that the application be heard or completed in chambers with the personal attendance of counsel.

493 . . .

(2) Witnesses who reside outside the province who are required to attend at the simplified trial may be allowed to testify by telephone:

- (a) by consent of the parties unless otherwise ordered by the court; or
- (b) by order of the court.

. . . .

The use of video conferencing in specific proceedings will be addressed in more detail below, however, it is intended that these references in *The Queen's Bench Rules* to the use of a telephone in proceedings in the Court may now be taken to include the use of video conferencing, where appropriate.

Locations/Equipment:

A list of current video conferencing locations and equipment in Saskatchewan court houses and correctional facilities is attached as Schedule A to this Protocol.

How to Access:

Video Appearance Request Form

The Video Appearance Request Form, which will be referred to later in this Protocol, is attached as Schedule C to this Protocol.

Contact Person

The appropriate court official to initially contact to arrange for the use of video conferencing in court proceedings is the Local Registrar in the Judicial Centre in which a court proceeding is being heard. Contact information for all Local Registrars' offices is attached as Schedule B to this Protocol.

Technical Requirements

Certain video conferencing locations in Saskatchewan operate with ISDN video lines while others operate with GOS network video lines. Schedule A to this Protocol indicates which type of video line is presently installed in each location. Communication between or among locations which have differing types of installed video lines requires a bridge which can be set up by the Court Technology Unit or through an external service provider and will require extra lead time. Communication between or among locations with the same type of installed video line does not require a bridge.

Procedure for the Use of Video Conferencing in Specific Court Proceedings:

Chambers Appearances in Battleford from Meadow Lake and in Prince Albert from La Ronge

Video Courtrooms

- Parties are able to appear in Court of Queen's Bench Chambers in the Judicial Centre of Battleford by video from the designated Meadow Lake Video Courtroom in the Court House in Meadow Lake.
- Parties are able to appear in Court of Queen's Bench Chambers in the Judicial Centre of Prince Albert by video from the La Ronge Video Courtroom located in the jury meeting room in the Provincial Court House in La Ronge.

Before the Chambers Appearance

- A party who intends to appear in Battleford Chambers by video from Meadow Lake must notify the Local Registrar's office in the Judicial Centre of Battleford of this intention by noon on the Wednesday immediately preceding the Thursday Chambers date. The Battleford Local Registrar's office will advise staff at the Court House in Meadow Lake of any such notifications by the close of business on the Wednesday immediately preceding the Thursday Chambers date.
- A party who intends to appear in Prince Albert General Chambers by video from La Ronge must notify the Local Registrar's office in the Judicial Centre of Prince Albert of this intention by noon on the Monday immediately preceding the Tuesday General Chambers date. A party who intends to appear in Prince Albert Family Services Chambers by video from La Ronge must notify the Local Registrar's office in the Judicial Centre of Prince Albert of this intention by noon on the Friday immediately preceding the Monday Family Services Chambers date. The Prince Albert Local Registrar's office will advise staff at the Provincial Court in La Ronge of any such notifications by the close of business on the business day immediately preceding the appropriate Chambers date (close of business Friday for Family Services Chambers and close of business Monday for General Chambers).
- Parties must file documents relating to Chambers applications involving video appearances in Battleford and Prince Albert within the time limits set out in the Rules of Court and the party requesting the video appearance must complete and file a Video Appearance Request Form.

On the Day of the Chambers Appearance - Battleford

- Staff at the Court House in Meadow Lake and staff at the Queen's Bench Court House in Battleford will make a video conference call at 9:45 a.m to check the connection for sound and camera positions. Detailed instructions for operating the equipment have been/will be provided to staff by the Court Technology office.
- Chambers will commence at 10:00 a.m.
- Chambers applications involving video appearances will generally be heard in their place on the Chambers list subject to alternate direction by the Chambers Judge.
- Those parties present in the Meadow Lake Video Courtroom will be able to observe and hear the proceedings in Battleford while waiting for their applications to be heard. Parties and the Chambers Judge in Battleford will be able to observe and hear those in the Meadow Lake courtroom during Chambers applications involving video appearances from Meadow Lake.

On the Day of the Chambers Appearance - Prince Albert

- Staff at the Provincial Court House in La Ronge and staff at the Queen's Bench Court House in Prince Albert will move the portable equipment into the Video Courtroom (in La Ronge) and the Chamber room (in Prince Albert) in time to make a video conference call at 9:45 a.m. (1:15 p.m. after a holiday Monday) on Tuesday for General Chambers and at 1:45 p.m. on Monday for Family Services Chambers to check the connection for sound and camera positions. Detailed instructions for operating the equipment have been/will be provided to staff by the Court Technology office.
- General Chambers will commence at 10:00 a.m. (civil), 10:30 a.m. (family), 11:00 a.m. (maintenance enforcement) and 1:30 p.m. (criminal) on Tuesday. (After a holiday Monday - 1:30 p.m. (civil), 2:00 p.m. (family), 2:30 p.m. (maintenance enforcement) and 3:00 p.m. (criminal)). Family Services Chambers will commence at 2:00 p.m. on Monday.
- Chambers applications involving video appearances will generally be heard in their place on the Chambers list subject to alternate direction by the Chambers Judge.
- The capacity of the La Ronge Video Courtroom is limited to approximately 12 individuals at a time. Parties appearing by video from La Ronge will be permitted to occupy the La Ronge Video Courtroom in order of appearance as space permits. Those parties present in the La Ronge Video Courtroom will be able to observe and hear the proceedings in Prince Albert while waiting for their applications to be heard. Parties and the Chambers Judge in Prince Albert will be able to observe and hear those in the La

Ronge Video Courtroom during Chambers applications involving video appearances from La Ronge.

Other Chambers Appearances

Availability

- For other Chambers appearances (not described above), parties may elect to use video conferencing as long as the appropriate resources are available, which will be determined by the Local Registrar in each instance, subject always to a direction to the contrary by the presiding Judge.

Before the Chambers Appearance

- Except for Chambers appearances in the locations listed above (Meadow Lake/Battleford, La Ronge/Prince Albert), in which cases the time limits set out above will apply, a party who intends to use video conferencing must notify the appropriate Local Registrar's office of this intention by noon on the day before the return date for the proceeding.
- Parties must file documents relating to these proceedings in the Judicial Centre where the proceeding is being heard within the time limits set out by statute and/or in *The Queen's Bench Rules* and the party requesting the video appearance must complete and file a Video Appearance Request Form.

On the Day of the Chambers Appearance

- Chambers appearances involving video will generally be heard in their place subject to alternate direction by the presiding Judge. Movement to the head or foot of the list or special times may be scheduled by the Local Registrar as directed by the presiding Judge under certain circumstances such as in some proceedings involving incarcerated or self-represented parties where additional court house staff resources or other resources may be needed to facilitate the video appearance.

Bail Applications/Reviews/Appeals and Criminal Judicial Reviews

Availability

- For bail applications, bail reviews, bail appeals and criminal judicial reviews, parties may elect to use video conferencing as long as the appropriate resources are available, which will be determined by the Local Registrar in each instance, subject always to the following and/or to a direction to the contrary by the presiding Judge.

- The party requesting the video appearance must complete and file a Video Appearance Request Form.

Before the Bail Application/Review/Appeal or Criminal Judicial Review Appearance

- A party who intends to use video conferencing for a bail application/review/appeal or criminal judicial review appearance must notify the appropriate Local Registrar's office of this intention by noon on the day before the return date for the proceeding.
- In the event that one party is incarcerated, a production order is required for either an in-person or video appearance. If the Crown requests and obtains an in-person or video appearance production order *ex parte*, the Crown shall give the incarcerated person notice of this production order at least 3 days before the return date for the proceeding. If the incarcerated person objects to the nature of the appearance described in an *ex parte* order obtained by the Crown he or she can challenge the order by applying to the Court by notice of motion at least 1 day before the return date for the proceeding.
- In all other respects, parties must file documents relating to these proceedings in the Judicial Centre where the proceeding is being heard within the time limits set out by statute and/or in *The Queen's Bench Rules*.

On the Day of the Bail Application/Review/Appeal or Criminal Judicial Review Appearance

- Appearances involving video will generally be heard in their place subject to alternate direction by the presiding Judge. Movement to the head or foot of the list or special times may be scheduled by the Local Registrar as directed by the presiding Judge under certain circumstances such as in some proceedings involving incarcerated or self-represented parties where additional court house staff resources or other resources may be needed to facilitate the video appearance.

Trials and Summary Trials

Availability

- For these proceedings, parties may elect to use video conferencing with leave from the presiding Judge, as long as the appropriate resources are available, which will be determined by the Local Registrar in each instance.
- The party requesting the video appearance must complete and file a Video Appearance Request Form.

Before the Trial or Summary Trial Appearance

- A party shall file a written application for leave to use video conferencing (which includes an indication of the position of the other party on the issue) with notice to the other parties to the proceeding with the appropriate Local Registrar at least 14 days before the date upon which the use of video conferencing is contemplated. The presiding Judge will determine whether leave will be granted and upon what terms. This determination may be made by the presiding Judge on the basis of the application for leave alone or on the basis of the application for leave and after hearing from the parties in person or by telephone or video conferencing at the presiding Judge's discretion.
- Parties must file documents relating to these proceedings in the Judicial Centre where the proceeding is being heard within the time limits set out by statute and/or in *The Queen's Bench Rules*.
- If a witness testifying via video conferencing will be required to reference documents or reports as part of his or her testimony, the party submitting the documents shall certify to the Court, at the time of the application for leave to use video conferencing, that identical documents will be available at the video conferencing location and before the presiding Judge for use during the video testimony.

Proceedings in other Courts/Tribunals/Jurisdictions

Availability

- On occasion, video conferencing equipment located in the Court's court houses may be used in proceedings in other courts and tribunals in Saskatchewan and elsewhere.
- The party requesting the video appearance must complete and file a Video Appearance Request Form.

Before the Video Appearance

- Parties to these proceedings should contact the Local Registrar in the Judicial Centre where the equipment is located with this type of request at least 14 days before the date upon which the equipment is needed. The Local Registrar will determine whether the appropriate resources are available for use and upon what terms in consultation with the Court Technology Unit and the appropriate resident or administrative Judge.

Costs:

As noted in Rule 284A(5), the party that would normally incur costs associated with an in-person appearance is initially responsible for video conferencing charges. This presently includes any charges associated with booking a private facility and/or equipment outside the video conferencing locations and equipment set out in Schedule A. There is presently no cost associated with the use of the video conferencing locations and equipment set out in Schedule A, although there may be a tariff established for these costs in the future.

Questions/Comments about Protocol:

This protocol will be reviewed and revised as needed as the Court and parties gain experience with the use of video conferencing. Questions and/or comments about this protocol should be directed to the appropriate Local Registrar or to:

Melanie Baldwin, Registrar and Executive Legal Officer
Court of Queen's Bench for Saskatchewan
2425 Victoria Avenue
Regina, SK S4P 4W6
(306) 787-0472 (telephone)
(306) 780-6990 (fax)
mbaldwin@sasklawcourts.ca

Schedule A – Video-conferencing Locations and Equipment

Video Conferencing Equipped Locations					
Video Court Suites					
Location	Located in Building	IP address	ISDN Phone Number	Site Contact	Site Contact Ph:
Regina Provincial Court	Court Room # 2	10.204.155.24 2	N/A	Karen Dougherty	787-5346
Regina Provincial Court	Mobile Cart – Crt Rms 4-5-6-7-10	various	N/A	Karen Dougherty	787-5346
Regina Provincial Court	Court Room # 8	10.204.157.5	N/A	Karen Dougherty	787-5346
Regina Dojack Youth Centre	Video Court	10.200.69.15	N/A	Darell Schmidt	787-7150
Fort Qu'Appelle PC Circuit	Court Room	10.200.81.2	N/A	Karen Dougherty	787-5346
Regina Queen's Bench/Court of Appeal	Mobile Cart	10.204.152.10	306-798-0465	Scott Polowyk	551-7551
Regina Queen's Bench/CTU	Mobile Cart	10.204.152.12	306-798-0465	Vida Block	787-6027
Saskatoon Provincial Court Docket	Court Room # 1	10.217.64.17	306-964-1830	Cindy Ritchie	933-8080
Saskatoon Provincial Court Youth Crt Room	Court Room # 2	10.217.64.123			
Saskatoon Provincial Court	Roll Cart – Court Rooms 6-7-8-9	10.217.64.120			
Saskatoon Kilburn Hall	Video Court	10.201.8.17	N/A	Ron Lacey Nita Desmarais	933-7240
Saskatoon Correctional Center	Video Court Area	10.217.20.15	964-1836	BJ Trayhorn	956-8800
Saskatoon Queen's Bench	Mobile Cart-ISDN CRT RM's 1-2-4-5	DHCP	652-6923	Rob Pelzer	933-6104
Prince Albert Provincial Court	Court Room # 4	10.201.63.12	306-764-2632	Luann Furber	953-2640
Prince Albert Provincial Court	Mobile Cart (CR # 2)	10.201.63.14	306-764-2632	Luann Furber	953-2640
Prince Albert Provincial Court	Detention Cells (basement)	10.201.63.13	306-764-2632	Darren Fidler	953-2806
Sandy Bay	Roll Cart	10.217.78.15	N/A	Luann Furber	953-2640
Prince Albert Queen's Bench	Roll Cart	10.201.62.137	306-763-7293	Anne Courtney	953-3213
Meadow Lake Provincial Court	Court Room 1	10.217.72.240	N/A	Cindy Whalen	236-7575
Meadow Lake Provincial Court	Court Room 2	10.217.72.241	N/A	Cindy Whalen	236-7575

Meadow Lake Provincial Court	Court Room 3	10.217.72.243	N/A	Cindy Whalen	236-7575
Melfort PC	Court Room	10.201.61.81	N/A	Leanna Pickering	752.6230
Nipawin PC Circuit	Court Room	10.200.90.248	N/A	Leanna Pickering	752.6230
Carrot River PC Circuit	Town Hall	10.217.32.5	N/A	Leanna Pickering	752-6230
Buffalo Narrows Circuit Court	Court Room	10.200.78.249	N/A	Cindy Whalen	236-7575
La Loche Circuit Court	Court Room	10.200.84.250	N/A	Cindy Whalen	236-7575
La Ronge Provincial Court	Court Room	10.201.61.51	N/A	Cenedella Lee	425-4505
La Ronge Provincial Court	Jury Room	10.201.61.50	N/A	Cenedella Lee	425-4505
Creighton PC Circuit	Court Room	10.201.62.81	N/A	Cenedella Lee	425-4505
Lloydminster PC	Court Room	10.201.61.33	N/A	Donna Harty	825-6420
Regina Correctional Center	Video Court Area	10.205.56.243	N/A	Tracy Rogala	924-9987
Pelican Narrows RCMP detachment	Interview Room	10.201.17.240	N/A	RCMP	632-3300
Pelican Narrows Provincial Court	Town Hall	10.203.211.10	N/A	Luann Ferber	953-2640
Battleford Queen's Bench	Court Room # 1	10.201.62.121	N/A	Linda Popp	446-7687
Yorkton PC	Court Room # 1	10.217.84.15	N/A	Twyla Brears	786-1400
Kamsack PC Circuit	Court Room	10.217.60.15	N/A	Twyla Brears	786-1400
North Battleford PC	Roll Cart – Court Rooms 2 & 3	10.201.39.5	N/A	Debbie Dubnyk	446-7400
North Battleford PC	Court Room #1	10.201.39.4	N/A	Debbie Dubnyk	446-7400
Prince Albert Federal Penitentiary Medium and Max Units	Video Court Area	N/A	306-763-7041 – Medium Unit 306-764-3561 – Max Unit	Ann Mills Shelley Balan	765-8093

Victim Services Soft Rooms					
Prince Albert PC	Soft Room	10.201.63.15		Trisha Hourie	953-2394
Regina PC	Soft Room	10.204.156.6		Garry Sanderson	787-5221
North Battleford PC	Soft Room	10.201.39.6		Marie Hildebrandt	933-5640
Battleford QB	Soft Room	10.201.62.123		Marie Hildebrandt	933-5640

Saskatoon PC	Soft Room	10.217.64.23		Marie Hildebrandt	933-5640
Meadow Lake PC	Soft Room	10.217.72.242		Marie Hildebrandt	933-5640
Yorkton PC	Soft Room	10.217.84.17		Garry Sanderson	787-5221

Technical Support for Video Conferencing
Greg Jenkins - Court Tech Unit
Office 787-3107, 798-3195
Cell 530-1222
Manager - Court Tech Unit
Terry Desjarlais
787-8788
Rob Pelzer - Court Tech Unit
Office 933-6104
Cell 230-3758

Video Conferencing can be established between the majority of the locations identified above by simply dialing the applicable IP address or ISDN phone number. Technical Contacts are available to assist with the connectivity if required

SCHEDULE B

Contact Information for Local Registrars' Offices

Judicial Centre of Battleford

Linda Popp, Local Registrar
 Box 340
 291 - 23rd Street West
 Battleford SK S0M 0E0
 (306) 446-7675 (telephone)
 (306) 446-7737 (fax)
QBLRBattleford@gov.sk.ca

Judicial Centre of Estevan

Pat Buttner, Local Registrar
 1016 - 4th Street
 Estevan SK S4A 0W5
 (306) 637-4529 (telephone)
 (306) 637-4536 (fax)
QBLREstevan@gov.sk.ca

Judicial Centre of Melfort

Eleanor Neigel, Local Registrar
 Box 6500
 409 Main Street
 Melfort SK S0E 1A0
 (306) 752-6265 (telephone)
 (306) 752-6264 (fax)
QBLRMelfort@gov.sk.ca

Judicial Centre of Moose Jaw

Warren Miller, Local Registrar
 64 Ominica Street West
 Moose Jaw SK S6H 1W9
 (306) 694-3602 (telephone)
 (306) 694-3056 (fax)
QBLRMooseJaw@gov.sk.ca

Judicial Centre of Prince Albert

Ann Courtney, Local Registrar
 1800 Central Avenue
 Prince Albert SK S6V 4W7
 (306) 953-3200 (telephone)
 (306) 953-3210 (fax)
QBLRPrinceAlbert@gov.sk.ca

Judicial Centre of Regina

Margaret Pelletier, Local Registrar
 2425 Victoria Avenue
 Regina SK S4P 4W6
 (306) 787-5377 (telephone)
 (306) 787-7217 (fax)
QBLRRegina@gov.sk.ca

Judicial Centre of Saskatoon

Dennis Berezowsky, Local Registrar
520 Spadina Crescent East
Saskatoon SK S7K 2H6
(306) 933-5135 (telephone)
(306) 975-4818 (fax)
QBLRSaskatoon@gov.sk.ca

Judicial Centre of Swift Current

Nikki Barlow, Local Registrar
121 Lorne Street West
Swift Current SK S9H 0J4
(306) 778-8400 (telephone)
(306) 778-8581 (fax)
QBLRSwiftCurrent@gov.sk.ca

Judicial Centre of Weyburn

Pat Buttner, Local Registrar
301 Prairie Avenue
Weyburn SK S4H 0L4
(306) 848-2361 (telephone)
(306) 848-2540 (fax)
QBLRWeyburn@gov.sk.ca

Judicial Centre of Wynyard

Local Registrar
Box 1449
410 Avenue C East
Wynyard SK S0A 4T0
(306) 554-5520 (telephone)
(306) 554-5531 (fax)
QBLRWynyard@gov.sk.ca

Judicial Centre of Yorkton

Local Registrar
29 Darlington Street East
Yorkton SK S3N 0C2
(306) 786-1515 (telephone)
(306) 786-1521 (fax)
QBLRYorkton@gov.sk.ca

SCHEDULE C
Video Appearance Request Form

1. Date of Request: _____.

2. Court File Number: _____.

3. Judicial Centre: _____.

4. Type of Proceeding in which Video Appearance is Requested (check one):

- Chambers Appearance (in Battleford from Meadow Lake).
- Chambers Appearance (in Prince Albert from La Ronge).
- Other Chambers Appearance.
- Bail Application/Bail Review/Bail Appeal/Criminal Judicial Review (circle one).
- Trial/Summary Trial (circle one).
- Proceeding in other Court/Tribunal/Jurisdiction (describe proceeding): _____

_____.

5. Date and Time for Requested Video Appearance: _____.

6. Video Conferencing Location for Requested Video Appearance: _____
_____.

7. If the Video Conferencing Location listed in question 6 is not also listed in Schedule A to the Protocol, provide the following information for the Video Conferencing Location:

Has the location been booked?

- Yes.
- No.

If the location has been booked provide name/address/telephone/fax/email of contact person for location: _____

Type of video line at location and any other relevant technical details, including whether bible or other religious symbol or book is required/available: _____

8. Party Requesting Video Appearance (name/address/telephone/fax/email of party or counsel if represented): _____

9. Other Party or Parties (name/address/telephone/fax/email of other party or parties or their counsel if represented): _____

10. What is the position of the other party or parties on this request (indicate, for each party, its position on the request and how that position was communicated to the requesting party): _____

11. The Requested Video Appearance is for (check one):

- The party requesting the video appearance and/or that party's counsel to make submissions to the Court (circle party or counsel or both).
- The party requesting the video appearance to give evidence in the proceeding.
- Another individual to give evidence in the proceeding on behalf of the party requesting the video appearance (specify name/address/telephone/fax/email of witness).

12. If the requested video appearance is for the purpose of giving evidence in the proceeding will the witness be required to reference documents and reports as part of his/her testimony:

- Yes.
- No.

13. If the answer to question 12 is Yes, does the party requesting the video appearance certify that identical documents will be available at the video conferencing location and before the presiding Judge for use during the video appearance? _____

- Yes, I hereby certify that identical documents will be available at the video conferencing location and before the presiding Judge during the video appearance.

Signature