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March 19, 2020

**COURT OF QUEEN'S BENCH FOR SASKATCHEWAN**  
**DIRECTIVE AND ADVISORY**

This directive replaces the Court's directives respecting COVID-19 issued on March 15, 2020 and March 16, 2020.

The Saskatchewan Court of Queen's Bench is committed to taking the steps necessary to safeguard the health of everyone in our courtrooms and court facilities, while balancing the need to maintain judicial operations and uphold the rule of law. The Court is continuing to monitor developments pertaining to novel coronavirus [COVID-19]. In response to the most recent information available concerning the public health risks posed by the virus, Chief Justice M.D. Popescul has issued this directive which relates to criminal proceedings, family proceedings (including child protection), civil proceedings and general directions respecting court proceedings of the Court of Queen's Bench. It applies to all Court of Queen's Bench judicial centres throughout the Province.

The primary concern is to continue to protect the health and safety of those who use the Court, together with those involved with the justice system. It is also essential the Court is available to administer the system of justice required in our constitutional democracy. These concerns require the Court to balance that which may be accomplished through ongoing access to the Court, but on a restricted basis.

It is understood this directive will cause hardship to those with matters before the Court. The decision to proceed in this manner was done cautiously as information developed regarding the health situation. Priority has been placed on the health and safety of the public, and all those who come in contact with the justice system.

It is expected matters which can be adjourned to dates other than those set forth in this directive will be reasonably accommodated. The co-operation and understanding of all involved during this difficult and changing time is appreciated.

**Effective 12:01 a.m. Friday, March 20, 2020, regular operations of the Saskatchewan Court of Queen's Bench are suspended. In accordance with the procedures described below, until further notice, only urgent and emergency matters will be heard by the Court, and most of those will be heard by phone or video conference.**

In rare cases, the Court may hear matters where participants appear in person at the court house. This directive sets out the conditions that apply to such cases.

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### **PART 1 - EFFECTIVE DATE**

This directive takes effect at 12:01 a.m., Friday, March 20, 2020.

### **PART 2 - DIRECTIVE RELATING TO CRIMINAL PROCEEDINGS**

#### **(a) Parties, Lawyers, Jurors and Witnesses**

- Lawyers, accused, and persons summoned to the Court of Queen's Bench, on or after March 20, 2020, are directed **not** to attend the court house until further notice, or in accordance with this directive.

#### **(b) Bail, Bail Reviews and s. 525 Detention Review Hearings**

- Are available by telephone, or other electronic means, on the dates scheduled currently or to be scheduled.

#### **(c) Section 525 Detention Review Chambers**

- Are available by telephone, or other electronic means, on the dates scheduled currently.

#### **(d) Criminal Pre-trial Conferences**

- If an accused is **in custody**, counsel and/or a self-represented accused may request to continue, or arrange, a pre-trial conference, by phone, with material filed electronically.

- All other criminal pre-trial conferences, if the accused is out of custody, are adjourned to a special pre-trial conference, as set out below. These dates may change:
  - in Regina, Saskatoon and Prince Albert: Friday, June 5, 2020
  - in Battleford: Monday, June 8, 2020
  - in Melfort: Monday, June 1, 2020
  - in Estevan and Swift Current: Tuesday, June 9, 2020
  - in Moose Jaw and Yorkton: Friday, June 12, 2020.

(e) **Criminal Trials, Motions and *Voir Dires***

- Witnesses, lawyers and jurors should not attend court in person for trials between March 20 and May 31, 2020, unless specifically ordered to do so by the presiding judge.
- All jury trials scheduled to commence between March 16, 2020 and May 31, 2020 will be postponed. Any person who has been summoned to attend Court for jury duty for a matter scheduled before May 31, 2020 are not to attend Court.
- All criminal trials currently in progress may be adjourned or continued at the discretion of the trial judge. The judge will receive submissions to determine whether the trial will proceed or not. All appearances for that purpose will be by telephone or other electronic means.
- All presently scheduled trials, motions and *voir dires* scheduled between March 20 and May 31, 2020 where the **accused is in custody** will be the subject of a special case management conference before a designated judge, on a date scheduled prior to the matter. The judge will receive submissions to determine whether the matter will proceed or not. If adjourned, the matter will be spoken to as set out below. All appearances for this purpose will be by telephone or other electronic means.
- All trials, motions and *voir dires* where the **out of custody accused is represented by counsel**, scheduled between March 20 and May 31, 2020, are adjourned to the dates set out below, at which time new dates will be set.
- All trials, motions and *voir dires* where the **out of custody accused is not represented by counsel**, scheduled between March 20 and May 31, 2020, are adjourned to the dates set out below. On the date currently scheduled for the trial, motion or *voir dire*, a bench warrant will issue to preserve jurisdiction of the Court, and the warrant will be held to the adjourned-to date.
- Adjourned-to dates:
  - in Regina, Saskatoon and Prince Albert: Friday, June 5, 2020

- in Battleford: Monday, June 8, 2020
- in Melfort: Monday, June 1, 2020
- in Estevan and Swift Current: Tuesday, June 9, 2020
- in Moose Jaw and Yorkton: Friday, June 12, 2020.
- These dates are subject to change.
- If represented by counsel, attendance of the accused to adjourn a matter is waived.

**(f) Judgments and Sentencings after Trials Held to Date**

- If the accused is **in custody**, trial and sentencing decisions will be delivered on the date scheduled, by telephone or other electronic means, unless adjourned by the presiding judge.
- If the accused is **not** in custody, trial decisions will be adjourned, by telephone or other electronic means, to a date after June 5, 2020, as determined by the presiding judge. On the date currently scheduled for the trial and/or sentencing decision, a bench warrant will issue to preserve jurisdiction of the court, and the warrant will be held to the adjourned-to date.

**(g) Guilty Pleas and Sentencing**

- Guilty pleas and sentencings may proceed for accused **in custody**. Counsel and/or a self-represented accused should communicate electronically with the previously assigned pre-trial judge for directions.

*Summary conviction appeals:* All summary conviction appeals are adjourned to a special pre-trial conference on June 8, 2020. This date may change.

*Wiretap, production and related orders, and arrest warrants:* These requests will be dealt with by the Court electronically.

*No new scheduling requests:* Except as discussed above, the Court will not be taking any new scheduling requests.

**PART 3 - DIRECTIVE RESPECTING CIVIL PROCEEDINGS**

**(a) Only Urgent and Emergency Matters will be heard**

Until further notice, only **urgent and emergency** civil matters will be heard by the Court in chambers. These include matters in which serious consequences to persons or harm to property may arise if a hearing does not proceed expeditiously. The following is a list of what constitutes an urgent or emergency matter:

1. Matters related to public health and safety and the COVID-19 pandemic, such as:
  - a. Applications by the Chief Medical Officer for quarantine orders or other orders in relation to COVID-19;
  - b. Applications to restrain the contravention of, or ensure the enforcement of, orders made pursuant to *The Public Health Act, 1994*, or similar legislation;
  - c. Appeals pursuant to *The Public Health Act, 1994*, or similar legislation;
  - d. Urgent requests for injunctions related to COVID-19; and
  - e. Urgent requests for judicial review of decisions related to COVID-19.
2. Preservation orders, such as those pursuant to s. 5 of *The Enforcement of Money Judgments Act*.
3. Injunctions, where there is a *prima facie* urgency.
4. Orders pursuant to *The Adult Guardianship and Co-decision-making Act*, where there is an immediate risk of harm to an individual or their property.
5. Residential tenancy appeals where a writ of possession has been ordered.
6. Foreclosure actions in which confirmation of judicial sale is sought.
7. **Any other matter the Court deems necessary to hear on an urgent basis with prior permission of the Court. These matters will be strictly limited. The process for obtaining permission is set out below.**

**(b) Determination of Urgent Matters**

Parties and counsel considering seeking permission to have a matter heard in chambers are urged to carefully assess the urgency of the matter, bearing in mind that the Court may refuse to hear any matter given the current circumstances of the COVID-19 pandemic and the resultant limitation of court resources.

The determination of whether a matter is urgent shall be completed according to the following directions:

1. Applicants shall file materials setting forth the urgent nature of an application by email in the appropriate judicial centre. The contact information may be found at [https://sasklawcourts.ca/images/documents/Queens\\_Bench/LR\\_contact\\_info.pdf](https://sasklawcourts.ca/images/documents/Queens_Bench/LR_contact_info.pdf),
2. The materials filed shall be brief to permit the Court to provide a timely and summary determination.
3. Unless a matter is proceeding on a “without notice” basis, all urgent application materials shall be served upon the opposite party. The materials shall be in the form of a notice of application without a return date specified.

4. In the event it is not possible to provide an emailed sworn affidavit, unsworn documents may be filed provided the affiant is available by telephone or electronic communication to swear or affirm the document.
5. The application materials will be directed to a judge of the Court to determine whether the matter qualifies as an urgent application and whether a hearing date should be scheduled.
6. In the event the matter is determined to be urgent, the judge of the Court shall provide direction with respect to the provision of responding materials and the setting of the matter for a hearing. The hearing of a matter may be by way of written submissions, or by way of telephone or video conference.
7. The presiding judge shall retain jurisdiction to determine the manner of hearing and whether the matter requires an in-person hearing.
8. The local registrar shall advise of dates for hearing. The Court may impose time limits for the duration of the hearing.

**(c) Chambers**

Chambers will be held on the regularly scheduled civil chambers dates for each respective judicial centre, **to deal with matters that are deemed or have been determined to be urgent**. All participants in civil chambers applications are required to attend by phone. Participants are expected to be available by phone at the commencement of chambers until they are called. The local registrar will call each participant at the phone number shown in the address for service unless alternate arrangements are made in advance of the chambers date.

Non-urgent matters already scheduled for chambers dates after March 19, 2020, for which adjournments by consent have not already been arranged, are hereby adjourned *sine die*. Counsel and/or self-represented litigants may make arrangements with the local registrar for rescheduling of such matters once regular court operations have resumed.

If a party or counsel is seeking permission to have a matter heard in chambers that is not expressly mentioned in items 1 through 6 above, the process outlined above, in “(b) Determination of Urgent Matters”, is to be followed.

**(d) Trials and Pre-Trial Conferences**

All civil trials currently scheduled to commence prior to May 31, 2020, and that have not yet commenced, are adjourned *sine die*. Alternate trial dates will be arranged with the local registrar once regular Court operations have resumed.

All civil trials currently in process are adjourned, with rescheduling to be done in consultation with the trial judge and local registrar.

All pre-trial conferences are cancelled and must be re-scheduled. Alternate dates will

be arranged with the local registrar once regular Court operations have resumed. Where a pre-trial conference has been commenced and a judge is seized of the pre-trial process, re-scheduling will be done in consultation with both the pre-trial conference judge and the local registrar.

**(e) Applications Without Notice**

Applications without notice, where permitted by *The Queen's Bench Rules* or specific legislation, may be filed with the office of the local registrar in accordance with the filing procedures set forth herein.

**PART 4 - DIRECTIVE RESPECTING FAMILY LAW AND CHILD PROTECTION PROCEEDINGS**

Only those family law and child protection matters which are **urgent** will continue to be heard by the Court. This directive will provide guidance on how any urgent matters are to be brought before the Court.

**(1) Family Law Proceedings**

*i) Family Law Trials*

All family law trials, currently scheduled to May 31, 2020, are adjourned. The local registrar in each judicial centre is directed to place all such matters onto the trial scheduling docket at which time new dates will be set. The date of the trial scheduling docket at each judicial centre will be announced when it is anticipated that court operations will return to normal. New trial dates shall be set once the Court operations are in regular operation.

*ii) Family Law Pre-Trials*

All family law pre-trials, currently scheduled to May 31, 2020, are adjourned. The local registrar in each judicial centre is directed to place all such matters onto the pre-trial scheduling docket. New pre-trial dates shall be set once the Court operations are in regular operation.

Where a pre-trial conference has been commenced and a judge is seized of the pre-trial process, re-scheduling will be done in consultation with both the pre-trial conference judge and the local registrar.

*iii) Family Law Applications Generally*

All family law applications, including Maintenance Enforcement Office applications and inter-jurisdictional support orders applications, are hereby adjourned. Where a matter has previously been seized by a judge, re-scheduling will be done in consultation with the seized judge and the local registrar. Otherwise, the matter will be adjourned to the scheduling docket at which time a hearing date will be set. The scheduling dates will be as follows:

1. All applications scheduled to proceed during the month of March 2020 are adjourned to June 10, 2020;
2. All applications scheduled to proceed during the month of April 2020 are adjourned to June 17, 2020;
3. All applications scheduled to proceed between May 1, 2020, and June 19, 2020, inclusive, are adjourned to June 24, 2020.

iv) *Uncontested Proceedings*

Uncontested divorce proceedings, uncontested family law proceedings, and without notice applications, may continue to proceed in accordance with *The Queen's Bench Rules* or legislative enactment and may be filed with the office of the local registrar in accordance with the filing procedures set forth herein.

**(2) Child Protection Proceedings**

**(a) Child Protection Trials**

All child protection trials currently scheduled to May 31, 2020, are adjourned. The local registrar in each judicial centre is directed to place all such matters onto the trial scheduling docket. New trial dates shall be set once the Court operations are in regular operation.

**(b) Child Protection Pre-Trials**

All child protection pre-trials currently scheduled to May 31, 2020, are adjourned. The local registrar in each judicial centre is directed to place all such matters onto the pre-trial scheduling docket. New pre-trial dates shall be set once the Court operations are in regular operation.

Where a pre-trial conference has been commenced and a judge is seized of the pre-trial process, re-scheduling will be done in consultation with both the pre-trial conference judge and the local registrar.

**(c) Child Protection Applications**

All child protection applications shall proceed in accordance with the Court's directive dated March 16, 2020. The directive is set forth as follows:

Effective immediately, all Child Protection Chamber matters appearing in the Saskatchewan Court of Queen's Bench will be governed and limited by the following direction. This direction is obviously based upon the Court of Queen's Bench's desire to do all that is possible to act preventatively and proactively to avoid or limit the spread of COVID-19, while at the same time providing a principled approach to the provision of essential judicial services.

### **Prince Albert Judicial Centre**

- Child Protection Chamber matters previously scheduled for Monday, March 16, 2020, in the judicial centre of Prince Albert are scheduled for Wednesday, March 25, 2020, and shall be set at staggered times of 10:00 a.m.; 12:30 p.m.; and 2:00 p.m. The Local Registrar in consultation with counsel for the Ministry, shall set the hearing schedule for the Child Protection Chamber matters and notify the parties accordingly of the new date and times.

- Until further notice, all other Child Protection Chamber matters scheduled in the judicial centre of Prince Albert shall be scheduled on a Monday, other than a statutory holiday and shall be set at staggered times of 10:00 a.m.; and 12:30 p.m. The Local Registrar in consultation with counsel for the Ministry, shall set the hearing schedule for the Child Protection Chamber matters and notify the parties accordingly of the date and times.

### **Regina Judicial Centre**

- Child Protection Chamber matters previously scheduled for Tuesday, March 17, 2020, in the judicial centre of Regina are scheduled for Thursday, March 26, 2020, and shall be set at staggered times of 10:00 a.m.; 12:30 p.m.; and 2:00 p.m. The Local Registrar in consultation with counsel for the Ministry, shall set the hearing schedule for the Child Protection Chamber matters and notify the parties accordingly of the new date and times.

- Until further notice, all other Child Protection Chamber matters scheduled in the judicial centre of Regina shall be scheduled on a Tuesday and shall be set at staggered times of 10:00 a.m.; 12:30 p.m. and 2:00 p.m. The Local Registrar in consultation with counsel for the Ministry, shall set the hearing schedule for the Child Protection Chamber matters and notify the parties accordingly of the date and times.

### **Saskatoon Judicial Centre**

- Child Protection Chamber matters previously scheduled for Tuesday, March 17, 2020, in the judicial centre of Saskatoon are scheduled for Thursday, March 26, 2020, and shall be set at staggered times of 10:00 a.m.; 12:30 p.m.; and 2:00 p.m. The Local Registrar in consultation with counsel for the Ministry, shall set the hearing schedule for the Child Protection Chamber matters and notify the parties accordingly of the new date and times.

- Until further notice, all other Child Protection Chamber matters scheduled in the judicial centre of Saskatoon shall be scheduled on a Tuesday and shall be set at staggered times of 10:00 a.m.; 12:30 p.m.

and 2:00 p.m. The Local Registrar in consultation with counsel for the Ministry, shall set the hearing schedule for the Child Protection Chamber matters and notify the parties accordingly of the date and times.

**Effective immediately and until further notice, all participants in regularly scheduled Child Protection Chamber matters are required to attend by phone** as follows:

- Ministry lawyers, lawyers representing a party, the chief of a Band, the chief's designate or the agency, if any, that is providing family services to the members of the child's band, or the representative of the Indigenous governing body acting on behalf of the Indigenous group, community or people to which the child belongs, as the case may be, shall participate by telephone conference call as directed by the Local Registrar.

- Parents, care providers, and persons of sufficient interest wishing to participate in the hearing are expected to be available by phone at the time set for the commencement of their chambers matter until they are called. The Local Registrar will call them at the phone number set out in their address for service unless the participant makes arrangements with the local registrar to be contacted at another number.

Until further notice, Ministry workers or supervisors shall not be required to be in attendance during Child Protection Chamber matters, either on the conference call or in the hearing room. However, they shall be available at the time of the hearing by telephone in the event the presiding judge determines their appearance was required during the hearing of the matter.

### **(3) Urgent Applications**

Until the Court provides further notice, only urgent and emergency family matters will be heard by the Court, including the following:

1. Applications for urgent relief relative to the safety of a child or parent. This shall include applications for restraining orders, non-contact orders, and exclusive possession of the family home orders.
2. Urgent matters involving the safety or well-being of a child including essential medical decisions or issues relating to the wrongful removal or retention of a child.
3. Applications related to dire circumstances of financial need including the preservation of existing family property.

- 4. Any other matter the Court deems necessary to hear on an urgent basis with prior permission of the Court. These matters will be strictly limited. The process for obtaining permission is set out below.**

**(4) Determination of Urgent Matters**

Parties and counsel considering seeking permission to have a matter heard in chambers are urged to carefully assess the urgency of the matter, bearing in mind that the Court may refuse to hear any matter given the current circumstances of the COVID-19 pandemic and the resultant limitation of court resources.

The determination of whether a matter is urgent shall be completed according to the following directions:

1. Applicants shall file materials setting forth the urgent nature of an application by email in the appropriate judicial centre. The contact information may be found at [https://sasklawcourts.ca/images/documents/Queens\\_Bench/LR\\_contact\\_info.pdf](https://sasklawcourts.ca/images/documents/Queens_Bench/LR_contact_info.pdf). <https://sasklawcourts.ca/index.php/home/court-of-queen-s-bench/court-locations-and-sitting-times>
2. The materials filed shall be brief to permit the Court to provide a timely and summary determination.
3. Unless a matter is proceeding on a “without notice” basis, all urgent application materials shall be served upon the opposite party. The materials shall be in the form of a notice of application without a return date specified.
4. In the event it is not possible to provide an emailed sworn affidavit, unsworn documents may be filed provided the affiant is available by telephone or electronic communication to swear or affirm the document.
5. The application materials will be directed to a Justice of the Court to determine whether the matter qualifies as an urgent application and whether a hearing date should be scheduled.
6. In the event the matter is determined to be urgent, the Justice of the Court shall provide direction with respect to the provision of responding materials and the setting of the matter for a hearing. The hearing of a matter may be by way of written submissions, or by way of telephone or video conference.
7. The presiding Justice shall retain jurisdiction to determine the manner of hearing and whether the matter requires an in-person hearing.
8. The local registrar shall advise of dates for hearing. The Court may impose time limits for the duration of the hearing.

## **PART 5 - GENERAL DIRECTIVE RESPECTING ATTENDING COURT**

### **(a) Who may not attend a court matter in person -**

Do not go to the court house if:

- you have been advised by Public Health, a doctor or the Saskatchewan Health Authority website to self-isolate due to possible exposure to the coronavirus COVID-19; or
- you experience COVID-19 symptoms (cough, fever, difficulty breathing); or
- you have been outside Canada in the past 14 days; or
- you have been in close contact with a person who has been outside Canada in the past 14 days; or
- in the past 14 days, you have been in close contact with a person who is experiencing COVID-19 symptoms; or
- you fall into any other category for self-isolation that is set out on the Saskatchewan Health Authority website at:

<https://www.saskhealthauthority.ca/>.

If one of these conditions applies, instead of going to the court house contact the appropriate local registrar's office to advise the Court that you have been advised not to attend, and follow any directions that you are given.

-- It may be possible to postpone your court matter, or for you to participate by phone or video conference, or through your lawyer.

-- Be aware that wait times when you call the local registrar's office may be longer than usual.

Do not go to the court house if you are not directly involved in a court proceeding, as identified in the next section.

### **(b) Who may attend a court matter in person -**

Unless one of the above conditions applies, you may go to the court house for a court proceeding that is being conducted with the personal attendance of participants, but only if you are:

- one of the parties to the court matter (e.g. petitioner, applicant, respondent, plaintiff, defendant); or
- the accused in the criminal matter; or
- a witness who has been notified that you must testify in the matter; or

- a support person for a participant, but only if your attendance has been approved by a judge of the Court; or
- a victim services worker on the matter; or
- a lawyer for one of the participants; or
- a member of the media (to preserve the open court principle).

Before coming to the court house, consult the Saskatchewan Health Authority's website for the latest information about COVID-19 at:

<https://www.saskhealthauthority.ca/>.

**(c) When you get to the court house:**

The court house security personnel are empowered by the court to monitor all persons entering the court house, to ensure compliance with this directive. They are empowered to refuse you admission, or to remove you from the court house, if your presence in the court house would not comply with this directive.

-- Similarly, the judge has the power to direct that a person be removed from the court house if that person's presence appears to not comply with this directive.

These measures will be in effect to minimize the risk of transmission of the virus:

- The courtroom will be set up so that there is as much space as possible between individuals. The minimum space will be a distance of one metre.
- Water pitchers and drinking glasses no longer will be provided in the court room. Instead, participants will be allowed to bring their own individual water bottles. Participants must remove their bottles at the end of each day. Bottles left behind will be disposed of by court house staff.
- If possible, hand sanitizer will be available in the courtroom, and in the public areas of the court house.
- After a witness testifies, and before the next witness enters the witness stand, court staff will clean and wipe the witness stand area.
- When the court matter is adjourned for a noon recess or for the day, you must leave the court house immediately.
- Once all participants have left, cleaning staff will clean all surfaces in the courtroom and public areas, using enhanced cleaning protocols.
- NOTE: This Part relates to the rare cases when the Court has determined that a matter is to proceed in person.

## **PART 6 - LOCAL REGISTRAR SERVICES**

Effective immediately and until further notice, personal access to the offices of the local registrar is restricted and the following procedures will be implemented.

- To obtain guidance on Court procedures or court schedules, contact the office of the local registrar by phone. Phone numbers for each office can be found on the Court's website here:

[https://sasklawcourts.ca/index.php/home/court-of-queen-s-bench/court-locations-and-sitting-times.](https://sasklawcourts.ca/index.php/home/court-of-queen-s-bench/court-locations-and-sitting-times)

- Documents to be filed should be placed in an envelope and delivered either to a drop box located in the hallway (where available) or on the local registrar counter. The envelope should clearly set out the phone number where the party filing the documents can be contacted. All documents delivered will be date stamped and issued on the delivery date unless the documents are insufficient. Local registrars will notify persons who have filed documents by phone if their documents require amendment or completion before filing.
- Documents that are required to be returned will be available for pick up the following day. Pick up locations at each location will be provided in the court house.
- Until further notice lawyers or other parties who have a deposit account with the Court may file documents by email at the local registrar's official email address where appropriate. The official email for each local registrar's office can be found here:

[https://sasklawcourts.ca/images/documents/Queens\\_Bench/LR\\_contact\\_info.pdf](https://sasklawcourts.ca/images/documents/Queens_Bench/LR_contact_info.pdf)

## **PART 7 - UPDATES TO DIRECTIVE**

As the circumstances of the operational challenges posed by COVID-19 change, the terms of this directive may be amended by the Court. Please check this COVID-19 update webpage for amendments:

<https://sasklawcourts.ca/index.php/home/court-of-queen-s-bench/covid-19-update>

Each of Saskatchewan's three courts faces very different operational issues in responding to the challenges posed by COVID-19. Watch the COVID-19 Update webpage for each court to keep up to date.

- Court of Appeal: <https://sasklawcourts.ca/index.php/home/court-of-appeal/covid-19>
- Court of Queen's Bench: <https://sasklawcourts.ca/index.php/home/court-of-queen-s-bench/covid-19-update>
- Provincial Court: <https://sasklawcourts.ca/index.php/home/provincial-court/covid-19-update>