



COURT OF QUEEN'S BENCH FOR SASKATCHEWAN

DIRECTIVE UPDATE

As of September 7, 2021

This Directive updates and **replaces** all previously issued Directives respecting the general operations of the Court of Queen's Bench while addressing issues arising from the COVID-19 pandemic.

All public health restrictions (physical distancing, masking, etc.) have been lifted by the Public Health Officer. Accordingly, normal court operations will resume, subject only to the restrictions and modifications contained within this Directive.

The Court continues to be mindful of its obligation to continue to hear and process matters that come before the Court, while simultaneously respecting the need to adhere to recommendations and protocols designed to keep everyone safe. The Court continues to monitor the circumstances and recognizes that as the situation evolves further changes may be required.

For the most part, and subject only to the modifications contained in this Directive, the Court will revert to its pre-COVID-19 practices and procedures.

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PART 1 - BACKGROUND

Commencing March 15, 2020, the Court implemented and issued a number of Directives to respond to issues created by the worldwide COVID-19 pandemic. All of those Directives are now repealed and replaced by this Directive.

PART 2 - EFFECTIVE DATE

This Directive update takes effect on September 7, 2021.

PART 3 - SCHEDULING

As the Court moves forward, using judicial resources efficiently is still a priority. Accordingly, to assist the Court in creating and maintaining an efficient schedule, counsel and parties are encouraged to:

- Take advantage of the expedited pre-trial process described in Practice Directive GA-PD#4 - *Expedited Pre-Trial Conferences*.
- Notify the local registrar as soon as possible when a scheduled conference, hearing or trial date is no longer needed.
- Collaborate with opposing counsel or parties to resolve evidential or

other matters that may result in reducing trial time.

- Ensure that settlement discussions are held in a timely fashion so that, if a matter settles, there is sufficient notice to backfill the Court's time that has become free. (Settling a matter on the "court house steps" results in an inefficient use of institutional resources.)
- Notify the local registrar immediately on becoming aware of any circumstance that could result in the delay of a scheduled matter, as this increases the opportunity for another matter to proceed in the vacated slot.
- Attempt to obtain mutually acceptable dates (several dates would be preferable) when requesting the scheduling of a civil matter and, thereafter, the party requesting the scheduling shall relay these dates to the local registrar.
- Respond promptly to all messages and calls from the local registrar.

PART 4 - CHAMBERS AND PRE-TRIAL CONFERENCES (OTHER THAN CHILD PROTECTION)

Chambers proceedings and Pre-Trial Conferences will be presumptively in person. Those that wish to appear remotely should contact the local registrar, in advance, and seek leave from the presiding judge to appear remotely.

PART 5 - USE OF TECHNOLOGY

Introduction

Although court appearances will revert presumptively to in-person hearings (except for Child Protection Matters as set out herein), counsel and litigants are encouraged to continue to make use of technology where appropriate. Lessons learned over the past 18 months can continue to benefit the Court, counsel and the parties.

Video conferencing

Online video conferencing through WebEx is available for use in the court rooms and conference rooms. Although online video conferencing through WebEx

is generally permitted for use in these spaces, its use in any particular proceeding must be approved in advance by the presiding judge and is subject to the availability of resources to set up and manage the video conference. As such, apart from longer Chamber applications to be heard at a set time, WebEx is not expected to be used for Chambers.

CCTV video conferencing is also available between court houses and most correctional institutions.

Where counsel or a party to a proceeding believes that the proceeding or a portion of the proceeding can be conducted by video conference without jeopardizing the integrity of the proceeding, they are encouraged to request that the conference, hearing, witness appearance or trial be conducted by video conference. The request should be made either at a pre-trial or through the local registrar. The use of video conferencing is subject to the discretion of the judge presiding at the hearing or trial.

Audio/Video Conferencing in Criminal Matters

The *Criminal Code* contains specific provisions respecting remote appearances. This Directive must be read as consistent with those provisions.

Other Technology

The Court is amenable to the use of other technology in court proceedings provided its use does not jeopardize the integrity of the proceeding. The use of other technology for a particular case may be requested at a pre-trial or through the local registrar. The use or development of other technology for general applications may be brought to the attention of the Registrar of the Court. The use of these options is subject to the discretion of the presiding judge.

Early Consideration of the Use of Technology

Counsel or a party considering the use of technology, in whatever form, should consider their possible options in a timely fashion so that the mechanics of the proposed technology can be accommodated. Specifically, the local registrar should be notified at the earliest possible date of the potential for the use of technology (e.g., a witness testifying by video from another province).

Reliable Secure Telephone Line

It is the responsibility of the person choosing to appear by telephone to ensure they have a reliable and secure telephone line. A location where background noise is minimal should be utilized. Also, wherever possible, a land line should be used, rather than a cell phone, as a land line connection is generally of better quality.

PART 6 - CHILD PROTECTION APPLICATIONS

Attendance at a Child Protection Chambers Matter:

Until further notice, Child Protection Chamber matters will continue to proceed by telephone 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 by telephone conference call shall provide their contact phone number to the Ministry worker assigned to the case or to the local registrar. The local registrar will call them for the court attendance at the phone number provided by them to the Ministry, unless the participant has made arrangements with the local registrar to be contacted at another phone number. Parents, care providers, and persons of sufficient interest wishing to participate in the hearing by telephone conference call are expected to be available by phone at the time set for the commencement of their Chamber matter until they are called. If they are not available at the phone number when called, the presiding judge may decide to proceed in their absence.
- Until further notice, Ministry workers or supervisors need not be in attendance during Child Protection Chamber matters, either on the telephone conference call or in the hearing room, but they shall ensure that they are available by phone at the time of the hearing in the event

the presiding judge determines their appearance is required during the hearing of the matter.

Notwithstanding this Directive, any participant is entitled to appear in person during a Child Protection Chamber matter in the hearing room at the judicial centre indicated in the protection hearing notice should they wish to do so.

Attachment to Notices of Protection Hearings (in Family Services Matters):

Until further notice, all Notices of Protection hearings or any other hearing notices returnable to Chambers in child protection matters must have appended to the Notice or other hearing notice the following statement:

Until further notice, child protection chambers applications will be heard by telephone conference call unless the presiding judge has decided otherwise. To confirm the phone number where you can be reached on the date of the application, you must immediately contact the office of the local registrar at (306) *(insert telephone number of local registrar)* and provide your phone number where you may be reached at the time of the hearing. Alternatively, you may provide your phone number to the Ministry worker or supervisor in charge of the case. You must remain available by phone at that number on the hearing date until your matter is heard. Be aware that if you are not available at the phone number provided when the court attempts to reach you, the presiding judge may decide to proceed with the hearing in your absence.

Time and Days for Hearings:

Until further notice, Child Protection Chamber matters in the Judicial Centre of Prince Albert shall be scheduled to be heard by telephone conference call on a Monday, other than a statutory holiday, at 2:00 p.m.

Until further notice, Child Protection Chamber matters in the Judicial Centre of Regina and the judicial centre of Saskatoon shall be scheduled to be heard by telephone conference call on a Tuesday and shall be set at staggered times of 10:00 a.m.; 12:30 p.m. and 2:00 p.m.

Contact information:

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1800 Central Avenue
Prince Albert SK S6V 4W7
Phone: (306) 953-3200
Fax: (306) 953-3210
Email: qblrprincealbert@gov.sk.ca

Regina
2425 Victoria Avenue
Regina SK S4P 4W6
Phone: (306) 787-5377
Fax: (306) 787-7217
Email: qblrregina@gov.sk.ca

Saskatoon
520 Spadina Crescent East
Saskatoon SK S7K 3G7
Phone: (306) 933-5135
Fax: (306) 975-4818
Email: qblrsaskatoon@gov.sk.ca

PART 7 - APPEARANCE DAY APPLICATIONS

The Queen's Bench Rules were amended effective September 1, 2020 to provide that all Appearance Day applications will now be scheduled to be heard "30 minutes before the time chambers is scheduled to commence", rather than at "the end of chambers list." (This will mean that most Appearance Day applications will be heard at 9:30, except when Chambers commences at 1:30 due to a statutory holiday, in which case the Appearance Day application will be scheduled for 1:00.) This change is intended for the convenience of counsel and the parties. By more precisely designating the time when the Appearance Day application will be heard, the time during which counsel or the parties must remain available for the Court's call is reduced. Appearance Day applications will continue to be heard by telephone.

PART 8 - JURY TRIALS (CIVIL AND CRIMINAL)

Until further notice, all jury trials will continue to be held at a location other than a court house to ensure sufficient space in maintaining appropriate physical distancing for those participating in the trial process, including those persons who respond to a jury summons and those chosen to serve as a juror. The selection of the

space and the protocols that will be in place to screen jurors and to maintain physical distancing outside of the courtroom will be managed by the Court Services Division of the Ministry of Justice [the Ministry] in accordance with *Court Services Jury Management Policy and Procedures*.

The trial judge will manage all circumstances and situations within the courtroom.

PART 9 - GENERAL GUIDELINES RESPECTING HEALTH PRECAUTIONS WHEN ATTENDING THE COURT HOUSE

All court houses remain open to the public.

Public's Responsibilities

Everyone attending the court house must take responsibility for their health and safety, and the health and safety of others with whom they may have contact. This means that all attendees must inform themselves and obey the recommended and mandatory Public Health Rules and Orders, including rules respecting hygiene and physical distancing.

Masks

Lawyers, parties and members of the public may be required to wear masks.

The presiding judge will determine the requirements respecting wearing masks within the courtroom.

The Ministry's Court Services Division will determine the requirements respecting wearing masks within the court house (not including the courtroom).

PART 10 - UPDATES TO THE DIRECTIVE

As the circumstances of the operational challenges posed by COVID-19 change, the terms of this Directive may be amended. Please check the "Covid Message" tab at the Court's web page for amendments:

<https://sasklawcourts.ca/home/covid-19-update/>

CHIEF JUSTICE M.D. POPESCU