



## **COURT OF QUEEN'S BENCH FOR SASKATCHEWAN**

### **DIRECTIVE UPDATE**

As of September 1, 2022

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 continues to evolve, 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 All of those Directives are now repealed and replaced by this Directive.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 takes effect on September 1, 2022.

**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)**

Commencing on the Effective Date, all Chambers proceedings and Pre-Trial Conferences will be presumptively in person unless otherwise ordered. Those who wish to appear remotely should contact the local registrar, in advance to 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 27 months can continue to benefit the Court, counsel and the parties.

##### *Video conferencing*

Online video conferencing through WebEx is available for use in the

courtrooms 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.

### *Audio/Video Recordings and Broadcasting Prohibited*

General Practice Directive #10 [GA-PD #10] prohibits the audio/video recording and broadcasting of all court proceedings, including still photography, except as otherwise authorized. For additional details, reference should be made to GA-PD #10.

## **PART 6 - CHILD PROTECTION APPLICATIONS**

### *Attendance at a Child Protection Chambers Matter:*

Commencing on the effective date, Child Protection Chambers will proceed as follows:

- Ministry lawyers and lawyers representing a party or child(ren) in Child Protection Chambers shall presumptively appear in person. Those who wish to appear by telephone should contact the local registrar, in advance, to seek leave from the presiding judge.
- Parents, care providers, and persons of sufficient interest, wishing to participate in the hearing may attend either by telephone or in person. Those wishing to attend by telephone shall provide the phone number where they can be reached to the Ministry worker assigned to the case, or to the local registrar at the judicial centre where the hearing is scheduled (contact information can be found below). The phone number must be provided in advance of the hearing date. Those persons who choose to participate in the hearing by telephone are expected to be available at the phone number provided from the time set for the commencement of their Chambers 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.
- 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, 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, and lawyers representing those Indigenous governing bodies, may attend either by telephone or in person. Those wishing to participate by telephone shall participate by telephone conference call as directed by the local registrar.

- Until further notice, Ministry workers or supervisors need not be in attendance during Child Protection Chamber matters, 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.

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

Commencing on the effective date and 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:

You may attend the child protection chambers hearing either in person or by telephone. If you wish to appear by telephone, 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 Chambers Hearings:*

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

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 on a Tuesday and shall be set at staggered times of 10:00 AM, 12:30 PM and 2:00 PM.

*Attendance at Child Protection Pre-Trial Conferences and Summary Hearings*

Commencing on the effective date, Child Protection Pre-Trial Conferences and Summary Hearings will be presumptively in person. Those who wish to appear remotely should contact the local registrar, in advance, and seek leave from the presiding judge to appear remotely.

*Time and Days for Child Protection Pre-Trial Conferences and Summary Hearings*

Child Protection Pre-Trial Conferences in Saskatoon and Regina will continue to be held on Wednesdays, with three pre-trials scheduled in the morning and an additional three in the afternoon. Each pre-trial will be scheduled for one hour.

Child Protection Pre-Trial Conferences in Prince Albert will continue to be held following Child Protection Chambers on Mondays, other than statutory holidays. Each pre-trial will be scheduled for one hour.

Child Protection Summary Hearings will be scheduled for one full day in accordance with Family Practice Directive #5.

*Contact information:*

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

Appearance Day applications will continue to be heard by telephone 30 minutes before the time Chambers is scheduled to commence. This means that most Appearance Day applications will be heard at 9:30 AM, except when Chambers commences at 1:30 PM due to a statutory holiday, in which case Appearance Day applications will be scheduled for 1:00 PM.

## **PART 8 - JURY TRIALS (CIVIL AND CRIMINAL)**

Continuing a process that became effective on April 4, 2022, jury selection and/or the jury trial itself may, or may not, depending on the circumstances, be held at an off-site location. It is the responsibility of the judicial participants (i.e., Crown, defence, accused, prospective jurors, etc.) to report to the correct venue.

## **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*

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