

NOTICE

COURT OF QUEEN'S BENCH OF MANITOBA

RE: SCHEDULING PROTOCOLS

Given that the Winnipeg Metropolitan Region has now been designated as status Level Orange effective September 28, 2020, we take this opportunity to confirm the current scheduling protocols for the General and Family Divisions of the Court of Queen's Bench. With the expectation that there could very well be further such changes in status given the fluid nature of the COVID-19 pandemic in Manitoba, we also take this opportunity to confirm that these current scheduling protocols will continue to apply until such time that the Court specifically announces a change. In other words, even if there is a change to the Pandemic Response System level, the current scheduling protocols will continue to apply unless the Court announces otherwise.

Put simply, the Court's current scheduling protocols as described in the most recent Notice to the Profession on May 4, 2020 regarding the nature and scope of the judicial service currently being provided in both the General and Family Divisions, remain applicable. You will recall that these scheduling protocols are premised on previously announced safeguards directed at minimizing in-person attendance in both the courthouse and the courtroom. Those protocols also addressed the applicable safety measures in respect of those cases and participants where in-person attendance and/or *viva voce* testimony is necessary to ensure the integrity and fairness of the Court process.

As detailed below, except in those cases where oral testimony (*viva voce* testimony) is being tendered, all hearings will continue to proceed remotely by teleconference or videoconference. This limitation on in-person attendance to proceedings where there is *viva voce* testimony, along with the many public health precautions in place for such in-person proceedings, have permitted the Court to resume and continue, since May 26, 2020, with essentially all of its judicial service in the areas of criminal, civil, family and child protection proceedings. However, as we regularly say, in the context of the current extraordinary circumstances, while the nature and the scope of the service we provide is now more or less normalized, the manner and circumstances in which that service is offered does not and cannot represent "business as usual". Accordingly, while our continuing and ongoing objective will be to ensure access to justice, the unique and challenging circumstances of this pandemic can be expected to give rise to imperatives that will, going forward, require approaches and a flexibility that will depend on an even greater understanding and collaboration between the Bench and Bar. Such is the price of providing a more or less normalized service during a pandemic where despite best efforts, it will not and cannot be business as usual.

The following confirms the scheduling protocols in both the General and Family Divisions, including what is expected from counsel and what is expected from the Court:

Trials and Other Proceedings with Oral Testimony

All civil, criminal (including sentencings), family and child protection trials, and any other proceedings with oral testimony, are to proceed in person. Counsel are expected to respect the limitations on the number of people in the courtroom and the many other public health precautions announced in the Notices of March 13, May 4, September 8, and September 28, 2020.

Criminal and Civil Pre-Trial Conferences, Case Management Conferences, Pre-JADR Meetings and Motions

All criminal and civil pre-trial conferences, case management conferences, pre-JADR meetings and motions will proceed **remotely by teleconference or videoconference**. It is to be presumed that these will **not be on the record**, unless directed otherwise by the presiding judge. To obtain a date for a pre-trial conference, case management conference or pre-JADR meeting, counsel are to contact Ms Sharon Phillips, (204) 945-8697, for available dates and times. To obtain a date for a civil motion, counsel are to contact Ms Cheryl Laniuk, (204) 945-3043, for available dates and times. When a date and time for a pre-trial conference, case management conference, pre-JADR meeting or motion (that is not on the record) has been agreed upon amongst counsel and either the trial coordinator or the motion coordinator, **the participating counsel are responsible for providing conference call services, including dial-in numbers and access codes by email to the judge's assistant by the Thursday of the week before the scheduled date.**

Where a pre-trial conference, case management conference or motion will be **on the record, the dial-in particulars will be provided prior to the hearing by the judge's assistant**. This will include those cases where the Court directs that the matter take place on the record (having previously been presumed not on the record). These dial-in particulars take precedence over any dial-in information previously provided by counsel. That is, the dial-in particulars provided by the judge's assistant should always be used regardless of any other dial-in information provided by counsel.

Civil Uncontested List

The Winnipeg Civil Uncontested List will continue to operate daily by teleconference commencing at 10:00 a.m. Although counsel or litigants will be calling in, the presiding duty judge will be present in Courtroom 115 at which time he or she will be addressing all matters on the record. The call-in number and details for those matters on the daily Civil Uncontested List will remain unchanged and is as follows:

Toll free dial-in number:	1-800-974-5902
Conference ID:	5148840

When serving a party with a document regarding a matter that is returnable on the Civil Uncontested List, it is the obligation of the party who is serving the document to provide the

foregoing call-in particulars. The matters will proceed on the basis of their chronological place on the day's list.

Summary Conviction Appeals

Summary conviction appeals will proceed remotely by teleconference on the record, unless directed otherwise by the presiding judge. Hearing dates are to be scheduled through the Summary Conviction Appeal Assignment Court. The dial-in particulars will be provided prior to the hearing by the judge's assistant.

Criminal Motions and Bails List

The Criminal Motions and Bails List will continue to operate remotely. The accused will attend remotely by video from the institution in which the accused is located. Counsel will continue to participate by teleconference. The presiding judge will be present in the courtroom where he or she will be addressing all matters on the record. The call-in number and details for those matters on the Criminal Motions and Bails List will remain unchanged and is as follows:

Toll free dial-in number: 1-800-974-5902
Conference ID: 9120952

Family Division

Motions, case conferences and JADRs will continue to be undertaken remotely via teleconference or videoconference in accordance with the Notice to Profession issued by Associate Chief Justice Hatch on June 23, 2020.

Family Triage hearings will continue to be heard remotely via teleconference or videoconference. The Triage Screening List overseen by Ms Angie Tkachuk will continue to operate in person in Courtroom 223 in accordance with the Notice to the Profession issued by Associate Chief Justice Hatch on June 11, 2020, and in accordance with accompanying safety COVID-19 protocols.

Child Protection Intake Lists and child protection pre-trial conferences will continue to proceed via teleconference.

Family Division trials and child protection trials involving oral testimony (*viva voce* testimony) will proceed in person.

With the exception of those cases where oral testimony is being tendered, all proceedings in the Family Division will continue to proceed remotely by teleconference or videoconference.

ISSUED BY:

“Original signed by Chief Justice Glenn D. Joyal”

**The Honourable Chief Justice Glenn D. Joyal
Court of Queen's Bench (Manitoba)**

DATE: OCTOBER 1, 2020