

**NOTICE TO PROFESSION**  
**COURT OF QUEEN'S BENCH MANITOBA**  
**RE: SCHEDULING PROTOCOLS FOR FAMILY DIVISION**  
**MOTIONS AND CASE CONFERENCES VIA**  
**TELECONFERENCE OR VIDEO CONFERENCE**

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## **Motions**

Motions will continue to be scheduled in a courtroom and will be heard via teleconference. The motion judge's assistant will arrange the teleconference for the motion and notify counsel and/or the self-represented party(ies) of the particulars by email.

## **Case Conferences**

Effective immediately, counsel has the obligation to arrange a teleconference or a video conference for a case conference where both parties are represented by counsel.

Where one or both parties are self-represented, the case conference judge's assistant will arrange a teleconference for the case conference and notify counsel and/or the self-represented party(ies) of the particulars by email. The case conference will be scheduled in a court room and will be heard via teleconference.

## **Protocols**

The following protocols apply to scheduling Family Division motions and case conferences via teleconference or video conference.

### **I. Scheduling Motions**

All motions (new and seized) will be scheduled by Angie Tkachuk, Supervisor, Family Division Coordination, in a courtroom for hearing and will proceed by teleconference.

A motion is assigned to a judge at the time that the weekly Rota is distributed on Thursday of the week preceding the hearing of the matter. The motion judge and the motion judge's assistant will review the weekly Rota on Thursday.

The motion judge's assistant will then send an email to counsel and/or the self-represented party(ies) describing the teleconference details, provide a copy to Angie Tkachuk and to Alnie LeBlanc, and place a copy on the file.

## II. Scheduling Case Conferences

The following protocols apply whether scheduling a case conference for upcoming trial dates, a new case conference from triage, or a seized case conference approved by Form 70DD.

### Scheduling Case Conferences with Counsel

When scheduling a case conference where both parties are represented by counsel, Sharon Wolbaum, Case Conference Coordinator, will advise counsel that:

- a) they are required to provide the tele/video conference call services, including dial-in numbers and access codes by email, and
- b) they are required to email these details directly to the case conference judge's assistant whose email address will be provided by Sharon Wolbaum.

Counsel are required:

- a) to provide dial-in numbers and access codes by email to the assistant of the presiding judge by Thursday of the week preceding the case conference, and
- b) to provide by email at the same time, the completed Agreement on Hearing via Teleconference or Videoconference form (copy attached) respecting the nature, details and rules of the engagement for the teleconference/videoconference.

If the case conference judge's assistant does not receive the call in particulars from counsel participating in the scheduled case conference by Thursday as directed, the assistant will contact counsel by email requesting this information forthwith.

### Scheduling Case Conferences with Self-represented parties

When scheduling a case conference involving one or more self-represented parties, Sharon Wolbaum will book a courtroom for the case conference. She will advise the parties that the case conference judge's assistant will email them the courtroom telephone particulars.

Sharon Wolbaum will email the case conference judge's assistant the particulars of the case conference.

When a case conference is scheduled for hearing in a courtroom, the case conference judge's assistant will send an email to the self-represented party(ies) and counsel describing the teleconference details, and will provide a copy to Sharon Wolbaum and to Alnie LeBlanc, and place a copy on the file.

Your assistance is appreciated as we continue to navigate our way during the COVID-19 pandemic.

This Notice to Profession changes the Notice issued by this Court on April 28, 2020.

**Coming into effect**

This Notice to Profession comes into effect immediately.

**ISSUED BY:**

***“Original signed by Associate Chief Justice Hatch”***

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**The Honourable Associate Chief Justice Gwen B. Hatch  
Court of Queen’s Bench Family Division  
(Manitoba)**

**DATE: June 23, 2020**

**QUEEN'S BENCH WINNIPEG CENTRE**

**BETWEEN:**

**Insert Name of Plaintiff/Applicant,**

Petitioner/Applicant,

- and –

**Insert Name of Defendant/Respondent,**

Respondent.

**AGREEMENT ON HEARING VIA TELECONFERENCE OR VIDEO CONFERENCE**

1. It is agreed that the terms of the Court of Queen's Bench Notice regarding Family Division Case Management Conferences, Judicially Assisted Dispute Resolution (JADR) and Interim Motions, dated April 28th, 2020 will govern.
2. The [Case Management Conference, Judicially Assisted Dispute Resolution (JADR) and Interim Motion] initiated by the [Insert Moving Party] shall proceed on [Insert Time and Date of Hearing] by way of [Teleconference or Video Conference]..
3. The instructions to join the [Teleconference or Video Conference] are as follows: [Provide detailed instructions including: (For a Teleconference) the 2 dial-in number and conference ID number or password; (For a Video Conference) the application to be used, along with a hyperlink or other instructions to join.]
4. It is to be presumed that the matter will not be on the record for Case Conferences, JADR's or motions, except as the judge may order.

5. The parties agree that for a case conference, motion or JADR, only such parts as the judge may direct shall be recorded. [If there is to be a recording made – details shall be inserted as to how the recording will be made, and how it will be made available for distribution to each party and the Court, subject to the court’s determination of what use may be made of the recording.]

6. The parties agree that the following documents will be relied upon at the [Case Management Conferences, Judicially Assisted Dispute Resolution (JADR) and Interim Motions]. [For the purpose of the Case Management Conference or motion, counsel must file a Brief, which shall include the pleadings and all existing Triage or Case Management Conference memoranda prepared by judges who presided previously on the matter]. This list, for the purposes of any adjudication and/or decision, shall be seen as the basis or foundation for that decision and in that sense, constitute the “record”:

(a) [Insert List of Documents and indicate whether they have been filed with the Court Registry.]

7. The parties agree that all documents listed in paragraph 6 herein will be provided by email (in PDF format) to the assigned judge at least three (3) clear business days prior to the scheduled appearance.

8. Should any document(s) listed in paragraph 6 herein not be filed on the Court Registry, counsel agree and undertake to file the original documents on the Court Registry as soon as possible.

9. The parties estimate that they will require [Insert Time required] for the hearing of their submissions.

[Insert Date]

AGREED TO BY COUNSEL FOR THE PARTIES:

[Insert Firm Name]

Per:

[Insert Name of Plaintiff/Applicant Counsel]

[Insert Firm Name]

Per: [Insert Name of Defendant/Respondent Counsel]