

NOTICE
COURT OF QUEEN'S BENCH OF MANITOBA

RE: JURY VACCINATION

As we all know, concerns persist respecting the ongoing pandemic and now, the fourth wave, rife as it is with potential new variants. This court has taken a number of steps and implemented measures to ensure the safety of all court participants while maximizing to the extent possible, our judicial service, including that which we are increasingly doing "in person".

A particularly challenging area for our judicial service and our ongoing efforts to protect not only court participants but members of the public who are called upon and indeed, in some instances, compelled to participate, is jury selection. Going forward, it will be the policy of this court that jury selections when they occur will involve the stipulation from the judge presiding over that jury selection, that only potential jurors (from the array) who are double vaccinated will be permitted to serve. Proof of a vaccination certificate will be required to verify that double vaccinated status. That verification will take place at the jury selection with proof being provided to the Sheriff's officer present.

At the time of the jury selection, the presiding judge will make inquiries of all counsel who, on the day in question, will be selecting juries. If any of the participating counsel object to the court's vaccination requirement for jury service, their objections can be raised and will be noted at the time of jury selection. If concerns are raised with respect to the representativeness of the jury because of the stipulation concerning double vaccination, counsel are reminded of the new provisions concerning jury selection designed in part, to address representativeness. The selection process should then be carried out so as to ensure, to the extent possible, counsel's satisfaction with the representativeness in the selection process. If any subsequent adjudications or challenges are to take place as a result of the stipulated requirement for double vaccination, those adjudications and/or challenges will be heard by the judge who presided at the jury selection.

It should be understood that going forward, those members of the public attending for a jury selection will be required to attend with their vaccination cards. Acceptable forms of proof of vaccination include a printed Provincial Immunization Record, a QR code (normally appearing on a cellular telephone), or an Immunization Registration Card from either Public Health or the Shared Health online portal, showing immunization dates.

It should be noted that all Manitoba Provincial Public Health Orders have contained exemptions by which the Court of Queen's Bench (along with the Court of Appeal and the Provincial Court) is left to stipulate those public health safety measures deemed necessary. This is one such measure.

Finally, at the pre-trial counsel should raise any objections to the selection of an entirely vaccinated jury. If any such objection is to be raised, the basis for that objection should be articulated.

Coming into effect

This Notice comes into effect immediately.

ISSUED BY:

“Original signed by Chief Justice Glenn D. Joyal”

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

DATE: September 29, 2021