



MANITOBA COURT OF APPEAL PRACTICE DIRECTION

November 3, 2022

RE: REMOTE HEARINGS – CHANGES TO COURT OF APPEAL RULES

Amendments to Rule 37.2 of the Court of Appeal Rules came into force on October 31, 2022. The rule governs the use of audioconference and videoconference in both appeal and chambers hearings. This rule applies to civil and criminal matters, but must be read in light of statutory requirements for particular remote appearances such as sections 683(2.1) and 688(2.1) of the *Criminal Code*.

The use of audio or videoconference technology will become a regular procedure for chambers hearings, while remaining an extraordinary procedure for appeals before a panel.

Requests to Appear Remotely

Parties will no longer be required to bring a motion to appear by audio or videoconference. In all instances, a party should make a written request to the registrar, who maintains discretion to waive or adjust the prescribed timelines.

Parties must provide notice of a request to appear remotely to every other party directly affected by the appeal, motion or application.

For Chambers: A request is to be filed with the party's initiating or responding materials and no later than two (2) business days prior to the hearing.

Permission will be granted to the party to appear by their preferred mode, unless the registrar determines that remote participation is not appropriate in the circumstances.

Recent upgrades have been made to courtroom 130 (Court of Appeal Chambers) to support the use of videoconferencing and hybrid hearings.

For Appeals: A request is to be filed no later than ten (10) business days prior to the hearing of the appeal and should set out the circumstances giving rise to the request for a remote hearing. Parties may wish to address some or all of the following:

- travel cost and convenience to a party
- nature of the interests involved
- any sealing orders, publication bans, safety issues, or public health orders
- particular circumstances of any litigant or lawyer
- other relevant factors

The court or a judge may then permit a party to participate by audioconference or videoconference if they determine there are special circumstances that make remote participation appropriate.

Videoconference Procedure

In preparation for their appearance, parties should refer to the *Videoconference Hearing Procedure for Lawyers and Self-Represented Parties*. It is recommended that parties conduct a videoconference test call to ensure a stable connection and functioning microphone and video.

ISSUED BY:

“Original signed by”

**The Honourable Justice Diana Cameron
Manitoba Court of Appeal**

DATE: November 3, 2022