

# PRACTICE DIRECTIVE

## PROVINCIAL COURT OF MANITOBA

### RE: REMOTE APPEARANCES – PROVINCE WIDE

Prior to the COVID-19 pandemic, there was a presumption that counsel and accused appear personally for matters appearing in the Provincial Court of Manitoba. In order to limit personal contact during the pandemic and to comply with public health directives, personal appearances were greatly limited. We have now reached a point where we will be returning to a presumption of personal appearances.

However, as part of the Provincial Court of Manitoba's continuing commitment to access to justice, remote appearances by telephone will remain available, for both counsel and accused, under the circumstances set out in this Practice Directive.

For substantive matters, including dispositions, bail hearings, and contested applications, counsel must provide the Trial Coordinator with the **Remote Appearance Request Form** at least 24 hours in advance of the appearance, or as soon as practicable if there is a change in circumstances (such as illness or other emergent reason so that attending court is not possible).

Factors that will be considered in determining whether a Remote Appearance Request will be granted include:

- The nature of the offence;
- The nature and complexity of the hearing;
- Any cognitive or other challenges of the accused;
- The anticipated duration of the appearance;
- Whether there is the consent of opposing counsel;
- Whether there is consent of the accused;
- The facilities and technology available;
- The location of the accused and their financial circumstance;
- The community interest in the proceeding.

If permission to appear remotely is granted, counsel will receive a confirmation email. Parties appearing remotely will be expected to be available and ready to proceed when called, and to be in circumstances such that the decorum of court will be respected.

For non-substantive matters, including remands, consent releases, consent applications, and guilty pleas where sentencing is to be adjourned, prior permission to appear remotely is not required. An email outlining the nature of the appearance, the duration of the appearance, and contact information for counsel and, if required, the accused, must be sent to the Trial Coordinator in advance of the court sitting with sufficient time to accommodate your request.

**Remote Appearance Request Forms** are to be sent to the Trial Coordinator in the judicial district of the appearance.

Winnipeg

[PCTrialCoordinators@gov.mb.ca](mailto:PCTrialCoordinators@gov.mb.ca)

Portage La Prairie

[PortageTCO@gov.mb.ca](mailto:PortageTCO@gov.mb.ca)

Brandon

[BrandonPCTrialcoordinator@gov.mb.ca](mailto:BrandonPCTrialcoordinator@gov.mb.ca)

Dauphin

[DauphinTCO@gov.mb.ca](mailto:DauphinTCO@gov.mb.ca)

The Pas

[ThePasTrialCoordinator@gov.mb.ca](mailto:ThePasTrialCoordinator@gov.mb.ca)

Thompson

[ThompsonTrialCoordinator@gov.mb.ca](mailto:ThompsonTrialCoordinator@gov.mb.ca)

This Practice Directive does not apply to matters appearing before a Judicial Justice of the Peace. The current practice for appearing before a Judicial Justice of the Peace remains unchanged.

### **Coming into effect**

This Practice Directive comes into effect immediately.