

NOTICE

PROVINCIAL COURT OF MANITOBA

RE: PUBLIC VIEWING/ATTENDANCE AT VIRTUAL HEARINGS

March 15, 2021

The Provincial Court of Manitoba has restricted in-person hearings as a result of the COVID-19 pandemic. So as to respect both the open-court principle and the integrity of court proceedings, this Notice outlines the requirements and expectations governing the attendance of members of the public at virtual court hearings.

Where a member of the public (who is not a party or witness or eligible media) wants to attend a virtual hearing being held by video or telephone conference that is otherwise open to the public, subject to a direction by the court otherwise, the following protocol applies:

1. The member of the public must send an email request to attend a virtual hearing being held in the Winnipeg Judicial Centre to courtclerks@gov.mb.ca and outside of the Winnipeg Judicial Centre, to RegionalVirtualCourts@gov.mb.ca at least two (2) business days prior to the hearing date. That request will include:
 - a. The name, telephone number, and email address of the person making the request;
 - b. The name of the parties to the case and the file number if known;
 - c. The nature of the hearing (trial, motion, etc.);
 - d. The date(s) and time(s) of the hearing they want to attend; and
 - e. Confirmation that by submitting the email request, the person making the request is undertaking that they will abide by the rules of decorum governing the hearing and understand that any breach of this undertaking may result in sanctions against them. It is to be understood that the presiding judge may also order that the person abide by the rules governing the hearing and that any breach of these rules may result in a legal sanction including proceedings for contempt of court.

2. Where a member of the public views a hearing by video conference, the following rules will apply:
 - a. A link will be sent to the person's email address to permit access to the hearing;

- b. This link is to be only used by the email recipient of the link and is not to be forwarded to any other person;
 - c. So as to minimize disruption to the hearing, the recipient of the link should engage the link at least 10 minutes prior to the start of the hearing. As well, after the hearing has commenced, if the user disconnects from the link, he or she should not re-engage the link as it is disruptive to the hearing;
 - d. At the outset of the hearing, the presiding judge or clerk may confirm the identity of the person who is viewing the hearing as well as the rules and any order applicable to such viewing;
 - e. During the hearing, the person's microphone must be muted;
 - f. The presiding judge may direct whether the person's video camera must be on or off;
 - g. There must not be any disruption to the hearing caused by the person's access to the hearing;
 - h. The video conference hearing must not be recorded in any manner including on the Teams or other platform used for the video conference or on a separate recording device of any kind; and
 - i. The video conference hearing must not be rebroadcast, published, or otherwise disseminated in any manner.
3. Where a member of the public attends a hearing by telephone conference, the following rules will apply:
 - a. Shortly before the start of the hearing, the clerk will call the person's telephone number (as listed on the original email request to attend) to permit access to the hearing;
 - b. In the event that the clerk provides a person with call-in particulars, these call-in particulars are to be used only for the specific hearing for which they are provided. In no situation can the call-in particulars be again used for another hearing without making a new email request to attend;
 - c. At the outset of the hearing, the presiding judge or clerk may confirm the identity of the person who is listening to the hearing as well as the rules and any order applicable to such attendance;
 - d. During the hearing, the person's microphone must be muted and the person's phone not put on "hold" (so as to avoid any "hold" sounds);
 - e. There must not be any disruption to the hearing caused by the person's access to the hearing;
 - f. The telephone conference hearing must not be recorded in any manner including on the telephone being used for the telephone conference or on a separate recording device of any kind; and

- g. The telephone conference hearing must not be rebroadcast, published, or otherwise disseminated in any manner.

As noted, this protocol applies to a member of the public who is not a party or a witness. As with any judicial proceeding, where a matter is proceeding remotely, witnesses must abide by any order excluding witnesses from a hearing. It is understood that the presiding judge has absolute discretion with respect to the hearing process. This may include a decision by the presiding judge to terminate the video or telephone conference involving any person.

Coming into effect

This Notice comes into effect immediately.

ISSUED BY:

“Original signed by:”

**The Honourable Chief Judge
Margaret Wiebe**

DATE: March 15, 2021