

NOTICE

COURT OF QUEEN'S BENCH OF MANITOBA

RE: ADJUSTMENTS TO CURRENT SCHEDULING PROTOCOLS – JANUARY 10 TO MARCH 4, 2022, FOR THE COURT OF QUEEN'S BENCH GENERAL AND FAMILY DIVISIONS

The COVID-19 positivity rate continues to rise at a steady and alarming rate. The infections are fuelled by both the Delta and increasingly, the Omicron variants. Much uncertainty continues to surround the new Omicron variant but what is not unknown, is its obvious transmissibility even it would seem, to some who are vaccinated.

Manitoba's models suggest an unsettling picture in the weeks ahead given what is envisioned as a troublingly high infection rate with the accompanying and potential impact on Manitoba's healthcare system. However fluid the situation remains, in the circumstances, it is clear that everyone in the legal profession has a responsibility to do what can be done (while exercising one's important professional function) to ensure public safety and to ensure that our connected legal institutions do nothing to negatively contribute to an already critical situation.

Given what are the heightened dangers surrounding the new Omicron variant and specifically, its worrisome transmissibility, the Court of Queen's Bench is now required to take steps to once again find a new balance between the protection of all court participants and the provision of its judicial service in both the General and Family Divisions.

The adjustments that are now being announced as to how our service can be safely provided are noteworthy in that they once again reduce what this Court is able to safely provide by way of in-court / in-person adjudications. It is with regret that we are obliged to take these steps, however, like all institutions, the judiciary must do what it can in an effort to prevent the spread of this new variant.

Set out below will be the changes that apply to each Division's judicial service. In many instances, the only discernable change will be the movement away from in-person trials and the temporary suspension of in-person appearances on some lists. The availability of video conferencing and other remote services will continue as previously identified and discussed in earlier Notices and Practice Directions touching the particular work of each Division.

GENERAL DIVISION

CRIMINAL PROCEEDINGS

Jury Trials

As of Monday, January 10, 2022, all Court of Queen's Bench jury trials (scheduled between January 10 and March 4, 2022) will have to be rescheduled. Counsel are directed to immediately arrange a pre-trial conference with the assigned judge (through the trial coordinator at (204) 945-8697) for the purpose of rescheduling the trial date.

Judge Alone Out-of-Custody Trials

All judge alone out-of-custody trials (scheduled between January 10 and March 4, 2022) will similarly require rescheduling as with jury trials. Counsel are directed to make contact with the pre-trial judge (through the trial coordinator at (204) 945-8697) for the purpose of rescheduling the adjourned trial.

In-Custody Trials

Given the imperatives connected to in-custody criminal trials, all such currently scheduled trials will proceed as scheduled. In respect of those trials, the presiding trial judge and counsel should take particular care so as to ensure to the extent possible, that all precautions are taken so as to minimize the attendant risks of what will be a smaller gathering of court participants at the trial. For example, this may include limiting the number of people in the courtroom and if and where possible, proceeding with some aspects of the trial by video conference.

Other Matters

All other judicial services currently being offered by the Court of Queen's Bench by video or audio conference in the areas of criminal law will continue as before, unchanged.

CIVIL PROCEEDINGS

Previously scheduled civil trials set to proceed in person during the above identified period will now not proceed in person. If and where all parties are represented by counsel, all civil trials already scheduled are to be viewed as presumptively proceeding by video conference. Arrangements should be made by counsel for a pre-trial conference in advance of the trial to ensure that all practical issues surrounding the trial by video conference have been addressed.

Those currently scheduled civil trials where not all parties are represented by counsel, will not proceed in person nor will they at this time, be permitted to proceed by video conference. The participating parties in those cases should contact the pre-trial judge (through the trial coordinator at (204) 945-8697) to arrange a pre-trial conference for the purpose of rescheduling a new trial date.

For those counsel involved in video conference trials, the direction and guidance referenced in the December 18, 2020 Practice Direction still apply.

Matters scheduled to judicially assisted dispute resolution (JADR) will now only proceed by video conference. If not already scheduled to proceed by video conference, counsel are to convene a meeting with the assigned JADR judge to discuss how to proceed. For the above-identified period, the Court will now not be offering off-site in-person JADRs.

All other judicial services currently being offered by the Court of Queen's Bench by video or audio conference in the areas of civil law will continue as before, unchanged.

FAMILY DIVISION

Trials

Previously scheduled family and child protection trials set to proceed in person during the above-identified period will now not proceed in person.

All currently scheduled Family and Child Protection trials set to proceed between Monday, January 10 and Friday, March 4, 2022, where all parties are represented by counsel, will continue presumptively to be heard via video conference in accordance with the Practice Direction issued December 3, 2020. Arrangements should be made by counsel for a case conference/pre-trial conference in advance of the trial to ensure that all practical issues surrounding the trial by video conference have been addressed.

All currently scheduled Family and Child Protection trials set to proceed between Monday, January 10, 2022 and Friday, March 4, 2022, where **all** parties are **not** represented by counsel, are cancelled and will be rescheduled by the case conference/pre-trial judge. Arrangements should be made by the participating parties to schedule a case conference/pre-trial conference for this purpose.

Counsel and self-represented parties shall forthwith contact Ms. Sharon Wolbaum, Case Conference Coordinator, at 204-945-7853 to schedule the above case conferences.

Lists

The Child Protection Intake List and child protection pre-trial conferences will proceed via teleconference.

The Family Triage Hearing List will proceed via teleconference.

The Triage Screening List, overseen by Angie Tkachuk, will continue to proceed via telephone.

Motions and JADRs

As with all other motions that will be adjudicated by the Court of Queen's Bench during the applicable period, all family motions will proceed by telephone or audio conference.

Matters scheduled to a JADR will now only proceed by video conference. The Court will not be offering off-site in-person JADRs.

All other Family Division judicial services currently being offered by video or audio conference will continue as before unchanged during the period in question.

GENERAL DIVISION AND FAMILY DIVISION PROTECTION ORDER HEARING LIST AND TRIALS

All Protection Order Hearing Lists will proceed by telephone conference on the date scheduled. All trials regarding protection orders are adjourned to the Protection Order Hearing List on February 16, 2022, at 2:00 p.m. for the purpose of rescheduling the trial.

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: December 24, 2021