

# NOTICE

## COURT OF QUEEN'S BENCH OF MANITOBA

### RE: ADJUSTMENTS TO CURRENT SCHEDULING PROTOCOLS MARCH 7, 2022, UNTIL FURTHER NOTICE

#### General Division

Commencing on **Monday, March 7, 2022**, the following protocols will be in effect:

All judge-alone and jury criminal trials for both in-custody and out-of-custody accused will proceed as scheduled and in person, including where an accused is self-represented.

- All civil trials and other civil hearings where there is to be oral evidence (for example, summary judgment motions with oral evidence and set-aside protection order hearings) will proceed as scheduled and in person, including where one or more parties are self-represented. Nevertheless, with the increased availability of video capacity, counsel are encouraged to also consider requests to the presiding judge to permit a witness to appear by video conference where it is sensible having regard to issues of access, expediency, and proportionality. For example, this may include an out-of-province expert witness.
- The Protection Order Hearing List will proceed in person.
- All JADRs will proceed in person and off-site, subject to a direction by the assigned judge that the JADR proceed by video conference.
- Where video capacity allows and all parties are represented by counsel, all contested applications, motions, summary conviction appeals, and special hearing bails and bail reviews will proceed by video conference. Where it is not possible to proceed by video conference (for example, due to a lack of video capacity), these hearings will proceed by audio conference. Protocols governing video conference hearings will be as set out in the Practice Direction of December 18, 2020 (Appendix A).
- All other judicial services being offered by video or audio conference in the areas of criminal and civil law will continue as before unchanged.

Commencing on **Monday, April 4, 2022**, the above protocols will be modified as follows:

- With the exception of civil and criminal pre-trial conferences, case management conferences, resolution conferences, and “pre-JADR” conferences, all matters will proceed as scheduled and in person. This includes all lists (civil uncontested, small claims appeals, criminal motions and bails, s. 525s, estreatals, and summary conviction appeals). This also includes all contested applications, motions, summary conviction appeals, and special hearing bails and bail reviews. Should circumstances arise which may justify proceeding with contested matters by video conference (where capacity allows) or by audio conference, counsel may direct such requests to the presiding judge.
- Where there are counsel representing all parties, all civil and criminal pre-trial conferences, case management conferences, resolution conferences, and “pre-JADR” conferences will continue to proceed by video or audio conference. In accordance with what is now a long-standing practice, participating counsel are responsible for providing the video link or conference call services, including the dial-in numbers and access codes, by email to the judge’s assistant by the Thursday of the week before the scheduled date.
- Where one or more parties are not represented by counsel, all civil and criminal pre-trial conferences, case management conferences, and resolution conferences will proceed in person (in a courtroom).

Commencing on **Tuesday, September 6, 2022**, there will be a full return to pre-COVID pandemic practice, except:

- Civil and criminal pre-trial conferences, case management conferences, resolution conferences and pre-JADR conferences (where there are counsel representing all parties) will continue to proceed by video or audio conference unless the presiding judge directs them to proceed in chambers.
- JADRs may proceed off-site or by video conference if so directed by the assigned judge.

## **Family Division**

Commencing on **Monday, March 7, 2022**, the following protocols will be in effect:

### Trials

All family and child protection trials, set-aside protection order hearings, and other family hearings where there is oral evidence will proceed as scheduled and in person, including where one or more parties are self-represented. Counsel are encouraged to also consider requests to the presiding judge to permit a witness to appear by video conference where it is sensible having regard to issues of access, expediency, and proportionality.

### Lists

The Child Protection Intake List and the Child Protection Pre-Trial Conference List will proceed in person.

The Family Triage Hearing List will proceed in person.

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

### JADRs

JADRs will continue to proceed by video conference, subject to a direction by the assigned judge that the JADR proceed in person off-site. Protocols governing video conference hearings will be as set out in the Practice Direction of December 18, 2020 (Appendix A).

All other Family Division judicial services (for example, case conferences and motions) that are currently being offered by video or audio conference will continue unchanged during this transition until April 4, 2022.

Commencing on **Monday, April 4, 2022**, the above protocols will be modified as follows:

**Motions and Case Conferences**

All motions and case conferences will proceed as scheduled and in person.

While all motions and case conferences are to proceed in person, should exigencies arise (for example, illness) which may justify proceeding with a motion and case conference by video conference (where capacity allows) or by audio conference, counsel may direct such requests to the presiding judge.

Commencing on **Tuesday, September 6, 2022**, there will be a full return to pre-COVID pandemic practice.

**Coming into effect**

This Notice comes into effect immediately.

**ISSUED BY:**

**“Original signed by Chief Justice Glenn D. Joyal”**

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

**DATE: March 1, 2022**