

PRACTICE DIRECTIVE

PROVINCIAL COURT OF MANITOBA

RE: REMOTE APPEARANCES BEFORE A JUDGE – PROVINCE WIDE

To ensure optimal court proceedings, there is a presumption that counsel and accused will appear personally for their matters in the Provincial Court of Manitoba in all judicial centres and circuit locations.

However, as part of the Provincial Court of Manitoba's continuing commitment to access to justice, remote appearances by MS Teams where available, or by telephone are permissible for both counsel and accused in ALL judicial centres and circuit locations, under the following circumstances.

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 appearance length;
- Whether there is consent of opposing counsel or the accused;
- The facilities and technology available;
- The location of the accused and their financial circumstances;
- The community interest in the proceeding;
- The presence of any barrier or impediment to proper courtroom decorum and the ability to adequately conduct a fulsome hearing and a full recording of the proceedings, including privacy and background noise.

If permission to appear remotely is granted, counsel will receive a confirmation email directing either an appearance by MS Teams or by telephone. Parties appearing remotely

by MS Teams will be expected to be on camera, but muted until called upon and ready to proceed when called. Parties appearing by MS Teams should ensure their circumstances and surroundings are such that the decorum of court will be respected.

For court locations where no MS Teams is available, counsel will be required to be available via telephone. Please note that the Court cannot guarantee that counsel will be contacted at a set time. Counsel must be available throughout the court sitting at the phone number provided. Counsel will be required to provide a phone number capable of receiving a text message or email advising them that the court is ready to proceed.

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

Portage la Prairie

PortageTCO@gov.mb.ca

Brandon

BrandonPCTrialCoordinator@gov.mb.ca

Dauphin

DauphinTCO@gov.mb.ca

The Pas

ThePasTrialCoordinator@gov.mb.ca

Thompson

ThompsonTrialCoordinator@gov.mb.ca

This Practice Directive comes into effect immediately.