



## **COVID-19: MEDIA ACCESS TO THE COURTS DURING THE PANDEMIC**

**UPDATED: Thursday, May 7, 2020**

The Nova Scotia Courts have introduced temporary processes to ensure members of the media continue to have access to court documents and court proceedings during the COVID-19 pandemic, while protecting the health and safety of everyone involved.

This is an unprecedented situation. To help reduce the spread of the virus, courts across the country have restricted public access. That means it is more important than ever to uphold the open courts principle by ensuring journalists can safely cover the legal matters that are being heard during the pandemic.

The Chief Justices and Chief Judge of the Nova Scotia Courts have consulted public health officials, including Nova Scotia's Chief Medical Officer of Health. The preventative measures already announced, as well as the processes for media access outlined below, are based on that expert advice.

These temporary processes will remain in place until further notice. The goal is for the Courts to return to normal operations as soon as possible. However, that will depend on the advice of public health officials on when it may be safe to do so.

### **Access to Court Proceedings**

Unless otherwise noted by a judge, members of the media are permitted to attend court proceedings in person. However, right now most matters are being heard by telephone or video conference, with only the judge and court staff appearing in the courtroom. For virtual court hearings in the Supreme Court, everyone, including the judge and court staff, are participating remotely.

To help reduce in-person contact and respect social distancing, members of the media are encouraged to participate in these proceedings remotely by telephone or Skype for virtual court hearings in the Supreme Court.

The following conditions apply for participating by telephone or Skype:

**By Telephone:**

- Media must have their cellphone on mute during the proceedings; if using a landline, they must be in a quiet room, so as not to disrupt the proceedings;
- As per the Courts' policies on the use of electronic devices in courtrooms, they may record the proceeding for note-taking purposes only, not for broadcast; and
- If they do not call in at the set time or if the call is lost, the Court will not disrupt the proceedings to connect them.

**By Skype:**

- Media must have their microphone on mute and their video camera turned off during the proceedings;
- As per the Courts' policies on the use of electronic devices in courtrooms, media may record audio of the proceeding for note-taking purposes only, not for broadcast;
- Media are not permitted to record video or take still photographs of the virtual court proceedings. The presiding judge may require a verbal undertaking on the record to this effect; and
- Media are expected to connect to the virtual court hearing at the set time. If the connection is lost or they need to leave the session, Skype allows them to rejoin without disrupting the proceedings.

Members of the media who wish to participate in a court proceeding by telephone or Skype should contact the Judiciary's Communications Director, who will work with court staff to provide the details to connect remotely.

Media will not be permitted access to matters previously restricted in the [Media Access Guidelines](#) (i.e. proceedings in the provincial Family Court, *in camera* proceedings, etc.).

**New Criminal Matters in the Provincial Court**

Until further notice, the Justice of the Peace Centre in Dartmouth will deal with all new criminal matters by telephone. Accused individuals will either be released on conditions or remanded to a correctional facility with the next appearance by video in Provincial Court.

Members of the media looking to cover these new matters may do so by telephone at the next appearance in Provincial Court. Please contact the Judiciary's Communications Director with the name of the accused individual and the criminal charges to confirm the details of the next court appearance.

## **Access to Court Documents**

Public access to court files is suspended until further notice, except in urgent situations. Court Administration staff may still accept file requests from media, if they relate to urgent or essential matters proceeding before the Court. Media requests for court files should be directed to the Judiciary's Communications Director to facilitate access electronically.

## **Access to Audio of Court Proceedings**

Until further notice, media access to court audio will be limited to audio of urgent and essential matters only. Any requests for court audio should be made by filling out the [online form](#) and emailing a signed copy to the Judiciary's Communications Director. Due to the reduced staff levels at courthouses, there may be some delay in fulfilling these requests.

## **Online Court Dockets**

Until further notice, the Supreme Court will not be posting its dockets online. The Court will resume posting dockets as soon as the processes for prioritizing and rescheduling matters are finalized.

In the meantime, electronic versions of the daily dockets for the Supreme Court, Provincial Court and Bankruptcy Court will be emailed to media who subscribe through the Judiciary's Communications Director.

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