



COVID-19: NOVA SCOTIA COURTS RELEASE RECOVERY PLAN FOR EXPANSION OF SERVICES DURING THE PANDEMIC

Thursday, June 25, 2020 (Halifax, NS) – The Nova Scotia Judiciary’s COVID-19 Court Recovery Committee has released its Recovery Plan to support the expansion of court services during the pandemic. A copy of the plan is available online [here](#).

The Recovery Plan outlines the basic safety strategies and new protocols that the Nova Scotia Courts have put in place since some in-person hearings resumed on June 1, 2020.

The plan has the support of consultants from Occupational Health and Safety and the Nova Scotia Department of Labour and Advanced Education, and has been reviewed and endorsed by Dr. Robert Strang, the province’s Chief Medical Officer of Health.

“In a relatively short period, we have developed what I believe to be a comprehensive and carefully considered plan that balances the need for the Courts to remain open, with the need to ensure that the public and our staff are safe,” said The Hon. Justice Darlene Jamieson, Chair of the Court Recovery Committee. “This plan is very much a living document that will be reviewed and revised as the situation with the pandemic evolves. I want to thank the many groups involved with the justice system who have shared their perspectives and feedback, and we look forward to continuing to work with them as this plan moves ahead.”

Established in May, the COVID-19 Court Recovery Committee is made up of a judge from each court, as well as representatives from the Nova Scotia Department of Justice Court Services Division, which includes Sheriff Services, and the Facilities Manager of the Department of Justice. The Committee’s mandate was to identify, assess and mitigate potential risks associated with the coronavirus as they relate to court proceedings.

Physical distancing is the foundation of the Recovery Plan. It also incorporates several basic safety strategies recognized by the Nova Scotia Public Service Commission as effective ways to minimize or eliminate the risk of exposure, including organizing the physical layout of workspaces, proper hygiene, regular cleaning, communication, and recognizing the symptoms of COVID-19.

“The CBA-NS is pleased to see the Courts’ Recovery Plan,” said Dan Wallace, President of the Canadian Bar Association – Nova Scotia Branch. “It is a thorough document that will increase access to justice for Nova Scotians, while also containing extensive new measures to protect the health of everyone involved. CBA-NS members were pleased to assist in its development by participating in a recent mock trial where these new measures were successfully tested.”

As part of its work to develop the plan, the Court Recovery Committee is undertaking a detailed assessment of all courthouses and courtrooms in the province. That work is being done in three phases to determine what modifications are necessary to hold in-person hearings:

- **Phase 1:** Identify the courtrooms where little to no intervention is required to accomplish physical distancing and put them into use.
- **Phase 2:** Identify the courtrooms that require minimal interventions to be operational.
- **Phase 3:** Identify the courtrooms that will require major intervention and those that will be unusable as courtrooms during COVID-19 but could have other uses.

Phase 1 of the assessment is now complete, and the Committee has started Phase 2. As of Wednesday, the Committee had deemed 42 of the 77 courtrooms in the province ready for scheduling in-person hearings.

Although more matters can proceed in person, public access to courthouses continues to be restricted to those who work in the building, who are involved in a hearing or those who have an appointment. Sheriffs are conducting screening at all courthouses to ensure a visitor’s presence is required and that it is safe for them to attend. To maintain the open courts principle, members of the media are permitted to attend court in person.

To further reduce the number of people inside the building, front counter services are not available. Drop boxes are set up at courthouse entrances for filing paper documents.

Protocols are now in place for enhanced cleaning of courthouses and courtrooms. These include measures such as sanitizing witness boxes and bathrooms between uses, as well as regular cleaning of high-touch areas.

There will be hand sanitizer and wipes available throughout courthouses and all visitors will be required to use hand sanitizer upon entering the building. Hand sanitizer will also be available at counsel tables, witness boxes, and judges’ and clerks’ desks. Protocols have also been developed for situations where disinfecting is not a viable option, such as the handling of paper documents and the transfer of documents between individuals in a court proceeding.

Courthouses are now equipped with signage to enable the safe use of courthouse spaces, including elevators, hallways, stairwells, bathrooms, interview rooms and copy rooms. As in-person hearings increase, particularly in courthouses with more than one level of court, it is likely that hearing times will need to be staggered to reduce the number of people in public spaces.

Public health protocols say Personal Protective Equipment (PPE) should be used only when all other levels of protection are not enough. As such, masks will not be required inside courthouses; however, staff and visitors are encouraged to use a non-medical mask (NMM) in situations where exposure to crowded public spaces is unavoidable and consistent physical distancing is not possible.

Virtual court is the final piece of the Courts' Recovery Plan. Remote appearances by telephone, video and platforms such as Skype for Business allow courts to hear more matters without additional staff at the courthouses. They are also a helpful option when courtrooms are too small to hold in-person hearings and still respect physical distancing.

Right now, there are 22 virtual courtrooms available. Counsel are encouraged to consider and use virtual court whenever possible. More information, including best practices for remote hearings, is available at www.courts.ns.ca/Virtual_Court.hm.

“On their own, the guidelines and protocols included in the Recovery Plan are effective and important,” said Justice Jamieson. “However, they are most effective as part of a complete plan, which, if adhered to, will ensure court staff, court users and the broader public can feel confident and safe entering a courthouse. This will require ongoing support, cooperation and commitment at all levels of the justice system, and from everyone attending courthouses.”

To review the COVID-19 directives issued by the various Courts during the pandemic, go to https://www.courts.ns.ca/News_of_Courts/COVID19_Preventative_Measures.htm.

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