



COVID-19: FREQUENTLY ASKED QUESTIONS RE: MATTERS IN THE SUPREME COURT (GENERAL DIVISION)

2nd Edition – Wednesday, April 15, 2020

As I indicated in my initial [Frequently Asked Questions](#) publication on April 1, 2020, the COVID-19 pandemic has placed institutions around the world in an unprecedented situation. The courts are no exception.

Following the Nova Scotia Premier's declaration of a provincial state of emergency, the Chief Justices and Chief Judge of the Nova Scotia Courts met with public health officials, including the province's Chief Medical Officer of Health. We were advised that as a result of the pandemic, courthouse staffing levels had to be reduced to an absolute minimum. Based on this advice, the Nova Scotia Supreme Court adopted an essential services model.

We fully appreciate the hardship and difficulties that such a model presents. We are working diligently to find ways to increase our service to the public while, at the same time, protecting the health and safety of those who work in and appear before the courts.

It takes time to develop new ways of doing things. Possible solutions must be analyzed and tested to ensure they offer an appropriate level of security and a proper and reliable court record (in those situations where a record is required). In addition, these solutions must respect the need to keep in-person staff involvement at a minimum. Fortunately, solutions are being developed that fulfill all these requirements. This will help enhance our service levels, while minimizing the risks to staff and the public.

This document should be read in conjunction with my initial [Frequently Asked Questions](#) publication and the various directives issued by the Supreme Court in response to COVID-19. These documents are all posted on the Courts' website at https://www.courts.ns.ca/News_of_Courts/COVID19_Preventative_Measures.htm.

We will update this document as matters progress. In the meantime, we ask for your patience and cooperation as we work through this health crisis.

Thank you.

Deborah K. Smith
Chief Justice of the Nova Scotia Supreme Court

Q/ What steps are being taken to enhance access to the Nova Scotia Supreme Court?

Judges of the Nova Scotia Supreme Court are presently using telephone and video conferencing to hear urgent and essential matters. We are working with the Court Services Division of the Nova Scotia Department of Justice to enhance our capabilities in this regard. This week and next, we are testing a system that will allow judicial assistants to record proceedings directly onto the courts recording system, from home. If successful, we expect to be able to expand the level of service the Supreme Court can provide.

Q/ Can counsel arrange for settlement conferences during the pandemic?

Settlement conferences over the telephone present unique challenges. Face-to-face interaction, which is often fundamental to a successful settlement conference, is lost. In addition, concerns exist about a lack of confidentiality when individuals participate in a settlement conference outside of the courthouse setting.

Despite these concerns, in the unique circumstances of the pandemic, there are Supreme Court judges who are prepared to conduct settlement conferences over the telephone. For a list of these judges, please contact Provincial Prothonotary Caroline McInnes at Caroline.McInnes@courts.ns.ca or Supreme Court Prothonotary Timothy Morse at Timothy.Morse@courts.ns.ca.

It is anticipated the Supreme Court will be able to conduct settlement conferences via video conferencing within the next few weeks. We will advise you when this occurs.

Q/ How do I know whether a civil matter that I have scheduled will be proceeding?

On the civil side, we are analyzing cases three weeks in advance. That means that each judge is reviewing their docket for the next three weeks and will decide whether each case will be proceeding as scheduled. Until further notice, while the Supreme Court operates under an essential services model, the presiding judge will determine whether the case is deemed to be urgent or essential. If so, it will proceed. If not, it will be adjourned.

We have decided to analyze the docket in three-week increments due to the uncertain nature of the pandemic. The Court does not want to adjourn cases too far into the future, only to find out that we are able to resume normal operations sooner than anticipated. That could lead to unnecessary delays, if parties were told prematurely that their matter was adjourned.

We recognize that with certain cases, counsel will want to know more than three weeks in advance whether their matter will be proceeding. If you have such a case, please write to the Prothonotary and request that the file be reviewed sooner.

Q/ What is happening in relation to criminal matters?

Just like with civil matters in the Supreme Court, only urgent or essential criminal matters, as determined by a judge, are proceeding at this time. Any criminal matters that required in-court hearings in the Supreme Court between March 8 and May 12, 2020 have been adjourned and will be rescheduled. The rescheduling may vary by district, but in most areas, those adjourned matters will return to court between May 13 and May 31, 2020 for status updates and, where possible, to reschedule the actual hearings.

Q/ When will regular Thursday Crownside sittings in Halifax resume?

Criminal matters that were adjourned for the purpose of setting new dates for a hearing have already been set down for Crownside appearances on one of the following days: May 14, May 19, May 21 or May 28, 2020. The Provincial Court has been advised that new committals to Supreme Court should be made to the May 14, 2020 Crownside date.

Q/ Why isn't the Probate Court accepting new applications for Grants of Probate unless it is deemed urgent or essential?

When the Supreme Court adopted an essential services model, the decision was made to accept documents relating to urgent or essential matters only. This decision was made to protect the safety and health of those working in and appearing before the Courts.

Work is underway to extend the Court's ability to accept documents beyond those that are deemed essential or urgent. We expect that applications for Grants of Probate will be able to be filed again in the near future.

Q/ How is the Bar being advised of changes relating to the Supreme Court?

The Supreme Court is issuing directives by email, social media and on the Courts' website at https://www.courts.ns.ca/News_of_Courts/COVID19_Preventative_Measures.htm. These Frequently Asked Questions documents are distributed in the same way and posted on the Nova Scotia Barristers' Society website.

As well, on Thursday, April 16, 2020, the Supreme Court is meeting with representatives of the Supreme Court Bench/Bar Liaison Committee. This is a long-standing committee of the Nova Scotia Barristers' Society and the Supreme Court. The sole topic on the agenda is the COVID-19 pandemic. If you have questions that you would like answered, please contact one of the following Bar representatives on the Committee:

Bob Carter, Q.C. (co-chair)
John Nisbet
Bryna Hatt
Geoff Newton
David Hutt
Mark Rieksts
Rob Pineo

Michelle Kelly
Angela Caseley
Karen Bennett-Clayton
Matthew Moir

Members of the Judiciary will be in attendance to answer any questions that are raised.

Q/ When will the Courts resume normal operations?

Our goal is for the courts to return to normal operations as soon as possible. We are relying on the advice of public health officials as to when it may be safe to do so.

Q/ When can we expect further updates?

Further updates will be communicated publicly. All public notices from the Nova Scotia Courts will be posted on the Courts' website at:

https://www.courts.ns.ca/News_of_Courts/COVID19_Preventative_Measures.htm.