



## **COVID-19: ADDITIONAL PREVENTATIVE MEASURES FOR THE NOVA SCOTIA COURTS**

Monday, March 16, 2020 (Halifax, NS) – The Nova Scotia Courts are introducing additional measures that will help minimize the spread of the COVID-19 virus in this province, while keeping the Courts open and continuing to process cases.

There are now five presumptive cases of the virus in Nova Scotia. The measures the Courts are taking follow the advice of public health officials regarding social distancing and avoiding public gatherings. They are also in line with the province's direction that anyone who has travelled outside of Canada must self-isolate for a period of 14 days upon their return to Nova Scotia.

### **Measures Applicable to All Nova Scotia Courts**

Counsel or members of the public who have travelled internationally within the last two weeks, or who are experiencing symptoms of the coronavirus, should not visit a courthouse anywhere in Nova Scotia.

Individuals who are due in court who have travelled recently or are experiencing symptoms should contact their lawyer or the Court immediately to seek instructions from the presiding judge in their case. Contact information for all courthouses can be found on the [Courts of Nova Scotia website](#).

Communal water jugs and disposable cups will no longer be provided in any courtrooms. Instead, counsel and their clients will be allowed to bring their own individual water bottles, which they must take with them or dispose of at the end of the proceedings.

The province is increasing cleaning protocols inside courtrooms, as well as secure and common areas of courthouses.

Counsel in all matters are encouraged to cooperate to determine what matters can be dealt with through alternative measures, such as telephone and video conferencing. This will help reduce the number of people who need to appear in person. Social distancing measures will be practised for all court matters that proceed in person.

Finally, counsel are advised there may be delays in processing paperwork at some courthouses, depending on staffing levels.

## **Measures Applicable to the Court of Appeal**

Following the advice of public health officials regarding social distancing and public gatherings, Chief Justice Michael Wood has directed that all appeals scheduled for the March/April term will be adjourned. Court staff will contact counsel and the parties involved to reschedule these matters.

The Court will review this term's docket to determine if there are any matters that must proceed due to their exceptional circumstances. Parties in those matters will be contacted and advised of alternative procedures to permit the appeal to be heard without the parties or counsel having to appear in person.

All Chambers matters will proceed as scheduled and will be heard by telephone only.

Anyone looking to file documents electronically with the Court of Appeal should make that request in writing to the Registrar at [Caroline.McInnes@courts.ns.ca](mailto:Caroline.McInnes@courts.ns.ca).

## **Measures Applicable to the Supreme Court (including Family Division)**

### ***Jury Trials***

Upcoming jury trials in the Supreme Court are postponed for a period of 60 days. This applies to all jury trials that have not yet commenced in court. The situation will be re-evaluated after the 60-day period.

Members of the public who have received a jury summons requiring them to come to court for jury duty within the next 60 days, and who are not presently sitting on a case, are officially released from that summons.

Jurors presently participating in a jury trial, are required to report to court as usual. Anyone exhibiting signs of the coronavirus should contact the Court immediately to seek further instructions from the judge presiding over the case they are involved with.

### ***Pending Trials or Hearings***

Where a matter has been set down for a hearing and the trial judge is known, all inquiries as to the conduct of future hearings are to be directed to the assigned judge.

### ***Crownside***

Where the prosecutor and the accused or their lawyer agree that a matter can be conducted by either telephone or videoconferencing, they must make a request to the Criminal Scheduling office at 902-424-7967 or 902-424-7963. Requests must be made by 10 a.m. the day before Crownside.

If counsel cannot agree on how the case should be heard, the presiding judge will provide that direction. In all cases, the presiding judge will make the final determination of how a matter will be heard.

Counsel can appear on behalf of an accused individual, provided that a Designation of Counsel form has been filed with the Court.

Where an accused individual is in custody and required to participate in court, arrangements will be made for the accused to participate via video from the correctional institution.

Where an accused individual is ordered to appear in Crownside, is not in custody and does not have counsel, they must call the Criminal Scheduling office at 902-424-7967 or 902-424-7963 to get directions on how to participate in their hearing.

### ***Pretrial Conferences***

Initial pre-trial conferences will be conducted by telephone unless otherwise directed.

### ***General and Special Time Chambers***

General and Special Time Chambers matters, including in the Family Division, will be conducted by telephone, unless cross-examination of a witness is required. This is a temporary arrangement only.

Whenever possible, counsel are asked to use a secure landline for these appearances, however, the Court recognizes that may not always be possible. If you must use a cell phone, please do so in a stable location with good cellular reception.

### ***Weddings***

Until further notice, all civil weddings at the courthouses are cancelled. Individuals looking to get married outside a courthouse can find a list of Justices of the Peace who perform wedding ceremonies on the [Department of Justice website](#).

### **Measures Applicable to the Provincial Court**

Measures are being put in place to limit the number of individuals inside courtrooms, by encouraging appearances by counsel whenever possible, staggering appearances, rescheduling matters and making use of video technology.

Starting Tuesday, March 17, access to Provincial Courts will be restricted to only those persons who are necessary to the proceedings before the Court. This will include counsel, litigants, accused individuals, witnesses, support workers, and members of the media. The general public will not be permitted in the Provincial Court. Media access is provided to honor the open court principle.

Counsel should advise their clients not to attend court unless their presence is necessary. Whenever possible, first appearances and matters set for election and plea should be handled by counsel. Designations of counsel will still be required for indictable matters. Counsel may appear in person, or via telephone or video, for these matters, provided arrangements are made for remote appearances in advance.

Arrangements may be made with court staff for telephone pre-trial conferences and focus hearings.

If seeking a trial adjournment, counsel should file an application with the Provincial Court to enable a judge to determine, in advance of the trial, whether the adjournment will be granted. Adjournment requests related to public safety issues will be considered at this time.

For many matters presently before the Provincial Court, efforts are being made to adjourn the next appearance until after May 31, 2020.

Accused individuals who are representing themselves in court are encouraged to appear by telephone or via duty counsel with Nova Scotia Legal Aid to request an adjournment of their case until after May 31, 2020.

For individuals in custody, video appearance will be the default position, including bail hearings by video, unless the judge directs otherwise. Arrangements should be made with the Court for any matters that can be handled this way.

Summary offence matters in Night Court in Halifax and Sydney will be adjourned until June. Court staff will be in touch about rescheduling. Night Court will continue to hear applications for peace bonds.

Chief Judge Pamela Williams has sent a directive to all law enforcement agencies that all first appearances to be scheduled after May 31, 2020, whenever possible. To help reduce public interactions at Court Administration, law enforcement agencies were also directed to fax or email paperwork to the Justice of the Peace Centre in Dartmouth for matters in the Halifax Regional Municipality, or to Court Administration for the courthouses elsewhere in the province.

Until further notice, the Justice of the Peace Centre will deal with all new uncontested matters involving individuals in custody. For individuals in custody who wish to have a contested hearing on their first appearance, the Provincial Court, at the various court locations, will accommodate hearings by telephone.

### **Measures Applicable to the Small Claims Court**

All matters in the Small Claims Court across the province will be adjourned to June. Court staff will be in touch about rescheduling. The Court will continue to deal with residential tenancy vacant possession orders by telephone only.

### **Measures Applicable to the Bankruptcy Court**

Bankruptcy Court will continue to sit Fridays in Halifax, and elsewhere in the province, as needed. Social distancing measures will be practised for all these appearances.

Trustees should contact the Deputy Registrar if, to their knowledge, a debtor is symptomatic or has immunocompromising health issues. In those instances, the Court will consider handling the matter via alternative measures, such as teleconference. Long dockets may also be staggered so that a smaller number of people are in the courtroom at any given time.

As with other Courts, trustees or debtors who have travelled internationally within the last two weeks, or are experiencing symptoms of the coronavirus, should contact the Office of the Registrar to seek further instructions.

The Nova Scotia Courts are continuing to monitor updates and advisories from public health officials and will make decisions regarding court proceedings and services with this information in mind. Further notices will be posted through the Courts' website ([www.courts.ns.ca](http://www.courts.ns.ca)) and social media.

- 30 -

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