



UPCOMING JURY TRIALS IN NOVA SCOTIA SUSPENDED

Friday, March 13, 2020 (Halifax, NS) – To help prevent against the spread of COV-19, the novel coronavirus, the Nova Scotia Supreme Court is suspending all upcoming jury trials in the province for a 60-day period.

The directive, issued this morning by the Chief Justice of the Supreme Court, is effective immediately and applies to all jury trials that have not yet commenced in court. The Court will reevaluate the situation at the end of the 60 days.

“Earlier today, the province’s chief medical officer of health encouraged all individuals, employers and community organizations to limit gatherings to no more than 150 people to limit the spread of the coronavirus in Nova Scotia,” said Chief Justice Deborah K. Smith. “The Supreme Court is following suit and out of an abundance of caution, is suspending jury trials, as the selection process often requires hundreds of potential jurors to attend court at the same time.”

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 fever, cough or flu-like symptoms should contact the Court immediately to seek further instructions from the judge presiding over their case.

Additional information regarding jury selection is available by calling the Juror Information Line at 902-424-6400. Follow the directions on the voicemail for the appropriate information for your jury panel.

There are currently no confirmed cases of COVID-19 in Nova Scotia. However, the Courts are putting plans in place to prepare for the likelihood that we’ll see confirmed cases in this province in the future.

In the meantime, anyone attending court or visiting a courthouse in the province is encouraged to practice good hand hygiene and follow the tips available at www.novascotia.ca/coronavirus/ to help prevent the spread of respiratory illnesses, including COVID-19.

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COVID-19: PREVENTATIVE MEASURES IN THE NOVA SCOTIA SUPREME COURT

Monday, March 16, 2020 (Halifax, NS) – The Nova Scotia Supreme Court has put additional measures in place to prevent the spread of the COVID-19 virus and protect the health of Nova Scotians working in and visiting courthouses across the province.

Nova Scotia is now reporting three presumptive cases of the virus. Following that announcement earlier today the Premier directed that anyone who has travelled outside of Canada must self-isolate for a period of 14 days upon their return to Nova Scotia.

With that in mind, counsel or members of the public who have travelled internationally within the last two weeks, or are experiencing symptoms of the coronavirus, should not visit a courthouse. Individuals who are due in court who have travelled recently or are experiencing symptoms should contact their lawyer or the Court to seek instructions from the presiding judge in their case.

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](#).

General and Special Time Chambers matters in the Supreme Court (including the Family Division) will be conducted by telephone, unless cross-examination of a witness is required. The Supreme Court is also considering what other matters may be dealt with via alternative arrangements, such as video- and tele-conferencing. Safe distancing will be practised in cases that go ahead in person.

Communal water jugs and disposable cups will no longer be provided in the 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 also increasing cleaning protocols inside courtrooms, as well as secure and common areas of courthouses.

On Friday, following the Chief Medical Officer's advice to avoid gatherings of more than 150 people, Chief Justice Deborah K. Smith directed that all upcoming jury trials in the Supreme Court be 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 fever, cough or flu-like symptoms should contact the Court immediately to seek further instructions from the judge presiding over their case.

For more information on COVID-19 and tips for reducing the spread of this virus and other respiratory illnesses, please visit www.novascotia.ca/coronavirus/.

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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.

Foreclosures and Public Auctions

All foreclosure matters and public auctions inside courthouses are suspended until further notice.

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](#).

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Court Contact:

Contact Information for all Supreme Court locations in Nova Scotia is available online at https://www.courts.ns.ca/Courthouse_Locations/Courthouse_Locations_Map.htm/.



COVID-19: SUPREME COURT ADOPTS ESSENTIAL SERVICES MODEL

Thursday, March 19, 2020 (Halifax, NS) – To help address the growing number of COVID-19 cases in the province, the Nova Scotia Supreme Court (including the Family Division) is adopting an essential services model.

Unless ordered otherwise by the trial judge, any trials that are currently underway will continue until they conclude. All other proceedings will be limited to those deemed urgent or essential by the presiding justice.

In relation to urgent or essential matters, judges will consider whether alternative measures, such as telephone or videoconferencing, may be used to hear those matters. Counsel are encouraged to do the same to reduce the number of people who need to appear in court in person. Social distancing measures will be practiced for all court matters that proceed in person.

These measures will remain in place until further notice.

There are now three confirmed cases and nine presumptive cases of the COVID-19 virus in Nova Scotia. These preventative measures are in line with the advice of public health officials regarding social distancing and avoiding public gatherings of more than 50 people.

Counsel and members of the public are reminded you should **not** visit a courthouse if:

- You have travelled outside Canada in the past 14 days;
- You are experiencing symptoms of the coronavirus; or
- You have been directed by public health officials, 811 or your doctor to self-isolate.

If any of these criteria apply to you, and you are scheduled to be in court, contact your lawyer or the Court immediately to seek instructions from the presiding judge in your case. Contact information for all courthouses can be found on the [Courts of Nova Scotia website](#).

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COVID-19: SUPREME COURT ACCEPTING FILINGS ELECTRONICALLY

Thursday, March 26, 2020 (Halifax, NS) – Until further notice, unless a judge directs otherwise, the Supreme Court, including the Family Division, will no longer accept hard copies of documents at courthouses, due to the risk of the COVID-19 virus. Instead, counsel and self-represented individuals should email or fax those documents that need to be filed in relation to urgent and essential matters.

A list of email addresses and fax numbers for all Supreme Court locations is available at https://www.courts.ns.ca/News_of_Courts/COVID19_Preventative_Measures.htm.

Individuals who need to file documents but do not have access to a computer or fax machine should contact the courthouse for further directions.

These measures further reduce the number of people who need to visit the courthouses in person and help protect the health and well-being of the employees and judges still working at the courthouses.

Last week, the Supreme Court adopted an essential services model. Proceedings in the Supreme Court, including Family Division, will be limited to urgent or essential matters, as determined by a judge. Those matters that do proceed will be handled primarily by telephone or video. Social distancing measures will be practised for those few court matters that proceed in person.

Like many sectors right now, the judicial system is operating with significantly reduced staff. The staff available are focused on processing documents related to the urgent and essential matters that are proceeding.

With that in mind, counsel and self-represented individuals should not file documents unless they are related to an urgent or essential matter. Documents related to matters not proceeding in the immediate future should be held until the court has resumed normal operations.

Documents filed by email or fax will not be accepted by the Court until reviewed by staff for compliance with the Civil Procedure Rules. Any single document filed by email or fax must be limited to 50 pages or less. Original paper copies of all court documents that come in electronically must be filed within fourteen (14) business days of the Court resuming normal operations.

Normally, the Civil Procedure Rules require that affidavits be sworn in person prior to being filed. Until further notice, the Court will accept unsworn affidavits, unless a judge directs otherwise. A sworn copy of the affidavit is required at the hearing. Alternatively, the individual will be required to affirm their affidavit evidence at the hearing.

In most instances, payment for filing will be done through an invoicing system. An invoice will be provided once documents are accepted by the Court. In some instances, individuals may be asked to submit the filing fee by another means. Please check with Court Administration staff at the courthouse as to the preferred method for that location.

These measures will remain in effect until such time that the Court stops operating under an essential services model.

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COVID-19: SUPREME COURT SUSPENDS FILING DEADLINES FOR CIVIL AND FAMILY MATTERS IN THE GENERAL DIVISION

Saturday, March 28, 2020 (Halifax, NS) – Due to the ongoing situation with COVID-19, the Chief Justice of the Nova Scotia Supreme Court has directed that, unless a judge indicates otherwise, filing deadlines outlined in the Civil Procedure Rules, for civil and family matters in the General Division only, are suspended until further notice. The suspension period is retroactive to March 19, 2020.

This directive includes, but is not limited to, filing a Notice of Defence in an action, a Notice of Contest in an application, and a Notice of Judicial Review or Notice of Appeal under Civil Procedure Rule 7.

This directive does not apply to criminal matters, proceedings in the Supreme Court (Family Division) or proceedings in the Court of Appeal.

It also does not affect filing deadlines established by legislation, such as the deadlines contained in the *Limitations of Action Act* or the *Probate Act*. Deadlines created under a statute can only be amended by the Nova Scotia Legislature.

Until further notice, the Supreme Court has adopted an essential services model. Only urgent or essential matters, as determined by a judge, are proceeding at this time. As such, this directive does not apply to any matters that a judge has deemed to be urgent or essential.

This directive is further to, and should be read in conjunction with, the [March 26 Supreme Court directive on the electronic filing of documents](#). Counsel and self-represented individuals should not file documents unless they are related to an urgent or essential matter. Documents related to matters not proceeding in the immediate future should be held until the court has resumed normal operations.

These measures will help reduce the number of new filings at courthouses, so staff can focus on processing documents related to the urgent and essential matters that are proceeding.

The suspension of these filing deadlines is a temporary measure that will remain in effect until such time that the Supreme Court stops operating under an essential services model. When the Court resumes normal operations, counsel and the public will be advised via a notice on the [Courts of Nova Scotia website](#).

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COVID-19: VIRTUAL AFFIDAVITS IN SUPREME COURT PROCEEDINGS

Thursday, April 2, 2020

Due to the ongoing COVID-19 pandemic, the Nova Scotia Supreme Court is expanding the options available to counsel when preparing and filing affidavits with the Court to include virtual affidavits (using video technology).

The requirements for the commissioning of affidavits are set forth in the *Notaries and Commissioners Act* and the Civil Procedure Rules of Nova Scotia. Rule 39.08(2)(d) provides that the deponent must appear personally before the authority administering the jurat.

During the COVID-19 pandemic, some accommodations must be made for the commissioning of affidavits in circumstances where it is not possible or is medically unsafe for the deponent to physically attend before a commissioner. Examples might include deponents who are unable to leave their residences, deponents who are not permitted to receive visitors, or deponents who are required to self-isolate.

With the agreement of the Nova Scotia Barristers' Society, until further notice, the following accommodations will be made for affidavits to be used in any proceeding in the Supreme Court, subject always to the discretion of the Court to apply the best evidence requirements to their use.

Please note that the accommodations outlined below are further to the [March 26, 2020, directive regarding the electronic filing of documents](#), which states that the Court will accept unsworn affidavits, unless a judge directs otherwise. In those instances, a sworn copy of the affidavit is required at the hearing or alternatively, the individual will be required to affirm their affidavit evidence at the hearing.

Any affidavit to be sworn using video technology must contain a paragraph at the end of the body of the affidavit describing that the deponent was not physically present before the commissioner, but was linked with the commissioner using video technology and that the process described below for remote commissioning of affidavits was used. Additionally, the jurat should be revised to accurately reflect the circumstances of the swearing/affirming. An example can be found on the [Nova Scotia Barristers' Society website](#).

While connected via video technology, the deponent must show the commissioner the front and back of the deponent's current government-issued photo identification. The commissioner must compare the video image of the deponent and information in the deponent's government-issued photo identification to be reasonably satisfied it is the same person and that the document is valid and current. The commissioner must also take a screenshot of the front and back of the deponent's government-issued photo identification and retain it. For clarity, identification is only necessary if the deponent is not already personally known to the commissioner.

The commissioner and the deponent are both required to have a paper copy of the affidavit, including all exhibits, before each of them while connected via video technology.

The commissioner and the deponent must review each page of the affidavit and exhibits to verify that the pages are identical and if so, must initial each page in the lower right corner.

At the conclusion of the review, the commissioner will administer the oath, the deponent will state what needs to be said to swear or affirm the truth of the facts, and the commissioner must watch the deponent sign his or her name to the affidavit. The deponent will then send the signed affidavit, with the exhibits, electronically to the commissioner.

Before completing the affidavit, the commissioner must compare each page of the copy received from the deponent against the initialed copy that was before him or her in the video conference and may affix his or her name to the jurat only upon being satisfied that the two copies are identical.

The two copies will then be attached together with a certificate signed by the commissioner, stating that the commissioner was satisfied the process was necessary because it was impossible or unsafe, for medical reasons, for the deponent and the commissioner to be physically present together. The completed package would then be permitted to be filed.

ISSUED at Halifax, Nova Scotia, this 2nd day of April 2020.

Chief Justice Deborah K. Smith



COVID-19: PERSONAL SERVICE VIA EMAIL IN THE SUPREME COURT (GENERAL DIVISION ONLY)

Friday, April 17, 2020

Until further notice, unless a judge directs otherwise, the Supreme Court will permit personal service to be effected by email as required by the Civil Procedure Rules for civil and family matters in the General Division only, as long as the following conditions are met.

For personal service to be effected by email during the COVID-19 pandemic, the party, or counsel for the party, to whom personal service is required must agree in advance to receive documents via email. As well, the party serving the documents through this method must receive an acknowledgement of receipt.

Service of any materials sent by email to counsel for a party or to a party who is self-represented shall be deemed effective on the date the email is sent, or, if sent after 4:30 p.m., on the next business day. Counsel or a party who is self-represented must acknowledge receipt of service.

This directive applies to all procedures outlined in the Civil Procedure Rules for which personal service is required. Nothing in this directive affects service requirements established by any statute, which may only be varied or amended by the legislature.

This directive is further to, and should be read in conjunction with, other directives and notices issued by the Supreme Court in relation to the COVID-19 pandemic. Those notices are available online [here](#).

For the purpose of this directive, the acceptance of pre-arranged and accepted email service shall continue from April 17, 2020, until further notice of the Supreme Court. Such notice will be announced on the [COVID-19 updates page](#) on the Courts' website.

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COVID-19: SUPREME COURT (GENERAL DIVISION) NOW ACCEPTING CERTAIN NON-URGENT MATTERS

Tuesday, April 21, 2020 (Halifax, NS) – Effective immediately, the Nova Scotia Supreme Court is expanding its essential services model to accept the following types of court documents during the COVID-19 pandemic:

- (1) Non-urgent Motions by Correspondence;
- (2) Non-urgent Applications where all parties and the judge agree that the matter can be dealt with solely in writing;
- (3) Uncontested Divorces (in the General Division); and
- (4) Consent Orders

Motions by Correspondence / Written Applications

As per the [March 26, 2020, e-filing directive](#), documents being filed in support of a Motion by Correspondence or a written Application should be emailed or faxed to the court. A list of email addresses and fax numbers for all Supreme Court locations is available at https://www.courts.ns.ca/News_of_Courts/COVID19_Preventative_Measures.htm.

Individuals who need to file documents but do not have access to a computer or fax machine should contact the courthouse for further directions.

Court staff will attempt to be in touch within three (3) business days of receiving your documents to advise which judge will be dealing with the matter.

Uncontested Divorces / Consent Orders

Documents being filed in support of Uncontested Divorces or Consent Orders **should not be filed electronically**. Instead, counsel or the applicant must file hard copies of all documents directly with the Court.

Please note that this provision for hard copies applies to the filing of Uncontested Divorces and Consent Orders only. Materials relating to all other proceedings in the Supreme Court should continue to be filed electronically, until further notice.

Payment of Fees

In most instances, payment for filing will be done through an invoicing system. An invoice will be provided once documents are accepted by the Court. In some instances, individuals may be asked to submit the filing fee by another means. Please check with Court Administration staff at the courthouse as to the preferred method for that location.

These measures will remain in effect until further notice.

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COVID-19: SUPREME COURT (GENERAL DIVISION) TO ALLOW TELECHAMBERS IN HALIFAX

Wednesday, April 29, 2020

Effective May 4, 2020, the Nova Scotia Supreme Court (General Division) is expanding its essential services model during the COVID-19 pandemic to allow General Chambers matters in Halifax to proceed by telephone, with the judge and judicial assistant participating remotely.

To date, court matters that have gone ahead during the pandemic required a judge and court staff to be physically in the courtroom for the matter to be on the record. Counsel and parties participated by telephone or video. This new setup for General Chambers is the first step toward entirely remote court proceedings, which will enable expanded access to the Courts without compromising the health and safety of staff, judges and the public.

General Chambers in Halifax will be held daily (Monday to Friday) beginning at 9:30 a.m. Appearance Day will be held once a week, on Fridays, beginning at 12:00 p.m. As per the [March 26, 2020, e-filing directive](#), documents for General Chambers and Appearance Day matters should be emailed or faxed to the Court.

A list of email addresses and fax numbers for all Supreme Court locations is available at https://www.courts.ns.ca/News_of_Courts/COVID19_Preventative_Measures.htm.

Individuals who need to file documents but do not have access to a computer or fax machine should contact the courthouse for further directions.

Counsel and parties involved in a General Chambers matter must provide the Court with a telephone number when they file their documents. Whenever possible, the number provided should be a secure landline. Counsel and the parties must be available, at that number, anytime between 9:30 a.m. and 11:00 a.m. the day their matter is scheduled to be heard to receive the call from the Court. If counsel or the parties cannot be reached at the number provided, the matter will be removed from the docket for that day.

Once telechambers has been tested successfully in Halifax, this setup will be implemented for Chambers matters in the districts.

Payment of Fees

In most instances, payment for filing will be done through an invoicing system. An invoice will be provided once documents are accepted by the Court. In some instances, individuals may be asked to submit the filing fee by another means. Please check with Court Administration staff at the courthouse as to the preferred method for that location.

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SUPREME COURT
OF NOVA SCOTIA

APR 29 2020

HALIFAX, N.S.

Court File No. :
Estate No. : 51-2402731

SUPREME COURT OF NOVA SCOTIA
IN BANKRUPTCY AND INSOLVENCY

THE HONOURABLE) WEDNESDAY, THE 29th
JUSTICE DARLENE JAMIESON) DAY OF APRIL, 2020
)

IN THE MATTER OF THE PROPOSAL OF
BETTY ANN MOORE
(of the Town of Amherst, in the County of Cumberland, in the Province of
Nova Scotia)

ORDER

THIS MOTION, made by The Superintendent of Bankruptcy (“Superintendent”), pursuant to paragraph 5(4)(a), subsections 66.31(1), 187(11) and 187(12) of the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c.B-3, as amended (“BIA”), was heard by teleconference on April 29, 2020, at the Court House, 1815 Upper Water St., Halifax, Nova Scotia.

UPON READING the Notice of Motion herein, the Affidavit of Elisabeth Lang, Superintendent, affirmed on April 27, 2020, the Affidavit of André Bolduc, Licensed Insolvency Trustee (“LIT”) with and Executive Board Member of the Canadian Association of Insolvency and Restructuring Professionals, affirmed on April 28, 2020, and the Factum of the Superintendent.

UPON READING the Order pronounced by Chief Justice Geoffrey B. Morawetz of the Ontario Superior Court of Justice on April 27, 2020 in Ontario Court File Number: 31-2597721 (in the matter of the proposal of Stephen Francis Podgurski) (the “**Ontario Omnibus Order**”)

THIS COURT ORDERS AND DECLARES that for the purposes of this Order:

- a. The “Period of the Emergency” shall be defined as the period of March 13, 2020, to June 30, 2020. For greater certainty, the start date and the end date are included in the Period of the Emergency.

- b. The "Suspension Period" shall be defined as the period from April 27, 2020 to June 30, 2020. For greater certainty, the start date and the end date are included in the Suspension Period.

2. **THIS COURT ORDERS** that this Order shall apply to:

- a. All "Active Commercial Proposals" (Division I proposals), which shall be defined as all the Division I proposals filed with the Office of the Superintendent of Bankruptcy ("OSB") up to the end of the Period of the Emergency;
- b. All "Active Consumer Proposals" (Division II proposals), which shall be defined as all the Division II proposals filed with the OSB or revived pursuant to the BIA up to the end of the Period of the Emergency, but excluding the Division II proposals that were deemed annulled, annulled or that were fully performed on or before the date of this Order; and
- c. All "Active Bankruptcy Files", which shall be defined as all bankruptcies filed with the OSB, up to the end of the Period of the Emergency, but excluding the bankruptcies wherein the bankrupt had received his or her discharge on or before the date of this Order.

3. **THIS COURT ORDERS** that the time for service and filing of the Notice of Motion and the Motion Record herein are hereby abridged and validated so that this motion is properly returnable today and hereby dispenses with further service thereof.
4. **THIS COURT ORDERS** that the requirement for a separate Notice of Motion and supporting Affidavits to be filed in the Court file of each of the insolvency files in the Province of Nova Scotia affected by this Order is hereby dispensed with.
5. **THIS COURT ORDERS** that the requirement for notice of this Motion to any debtor, inspector or creditor, within the bankruptcy and proposal estates administered in the Province of Nova Scotia, be and is hereby waived.
6. **THIS COURT ORDERS** that the Superintendent of Bankruptcy shall publish this Order on the website of the OSB forthwith.
7. **THIS COURT ORDERS** that this order is effective as of Monday, April 27, 2020 concurrently with the Ontario Omnibus Order.

Matters applicable to Active Commercial Proposals

8. **THIS COURT ORDERS** that the time for holding the meeting of creditors that is to take place during the Period of the Emergency, as provided by section 51 of the BIA, is to be extended by the time of the Suspension Period.

Matters applicable to Active Consumer Proposals

9. **THIS COURT ORDERS** that the time for holding the meeting of creditors that is to take place during the Period of the Emergency, as provided by section 66.15 of the BIA, is to be extended by the time of the Suspension Period.
10. **THIS COURT ORDERS** that an Active Consumer Proposal shall not be deemed annulled pursuant to section 66.31 of the BIA unless the consumer debtor is in default of:
 - a. In the case when payments under the Active Consumer Proposal are to be made monthly or more frequently, the day on which the consumer debtor is in default for an amount that is equal to or more than the amount of three payments plus an additional amount equivalent to up to three payments for defaults that occurred during the period of March 13, 2020, to December 31, 2020; or
 - b. In the case when payments under the Active Consumer Proposal are to be made less frequently than monthly, the day that is three months after the day on which the consumer debtor is in default in respect of any payment except that for those payments due between March 13, 2020 to December 31, 2020 it shall be the day that is six months after the day on which the consumer debtor is in default.

Matters applicable to Active Bankruptcy Files:

11. **THIS COURT ORDERS** that the trustee's obligation to apply to court for a hearing during the Period of the Emergency, as provided by subsection 170.1(3) of the BIA, is to be extended by the time of the Suspension Period.
12. **THIS COURT ORDERS** that the time for the holding of the meeting of creditors that is to take place during the Period of the Emergency, as provided by section 102 of the BIA, is to be extended by the time of the Suspension Period.
13. **THIS COURT ORDERS** that the time for scheduling a mediation that is to take place during the Period of the Emergency, as provided by rule 105(4) and (10) of the BGR, is to be extended by the time of the Suspension Period.
14. **THIS COURT ORDERS** that any interested person may apply to the Court to terminate the relief provided herein in respect of any proceeding, on providing notice of the application to do so on five days notice to the trustee, the OSB, and any other person likely to be affected by the order sought.



DEBORA KERVIN
Deputy Prothonotary



COVID-19: SUPREME COURT SUSPENDS FILING DEADLINES FOR SUMMARY CONVICTION APPEALS IN THE GENERAL DIVISION

Tuesday, May 5, 2020

Due to the ongoing situation with the COVID-19 pandemic, the Chief Justice of the Nova Scotia Supreme Court has directed that, unless a judge indicates otherwise, filing deadlines for summary conviction appeals set out in [Civil Procedure Rule 63.05](#) (how and when an appeal is started) are suspended. The suspension period is retroactive to March 19, 2020.

This directive does not affect filing deadlines established by legislation in relation to summary conviction appeals.

The suspension of these filing deadlines is a temporary measure that will remain in effect until such time that the Supreme Court stops operating under an essential services model. When the Court resumes normal operations, counsel and the public will be advised via a notice on the Courts' COVID-19 updates page at https://www.courts.ns.ca/News_of_Courts/COVID19_Preventative_Measures.htm.

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COVID-19: SUPREME COURT OFFERING VIRTUAL HEARINGS AND SETTLEMENT CONFERENCES

Thursday, May 7, 2020

The Nova Scotia Supreme Court is now offering virtual court hearings and settlement conferences for some non-urgent matters at the Law Courts in Halifax. This will help improve access during the COVID-19 pandemic without compromising the health and safety of staff and the public.

The Supreme Court continues to operate under an essential services model when it comes to in-person proceedings; however, over the past two weeks the Court has made advances to expand service, where it is safe to do so. This most recent step allows the Court to further expand its operations without the need for additional staff working at the courthouses.

Thanks to the extensive efforts of the Judiciary, the Nova Scotia Department of Justice Court Services Division and the province's Digital Services team, the Supreme Court has developed a virtual court setup using Skype for Business and the existing court recording system. Under this new setup, matters can be heard entirely remotely by telephone or video to protect the lawyers, parties, court staff and judges involved.

Judicial assistants and judges tested the setup in mock hearings to ensure that actual court proceedings can be properly recorded and conducted in a functional, reliable and secure way. To start, four judicial assistants in Halifax were set up to work remotely from home. Training for more judicial staff and judges is continuing.

The first virtual court hearings were held on the record on April 30, 2020, as part of a pilot project. One was a motion in a civil matter, the other a criminal pre-trial hearing. The first virtual settlement conference took place on May 5, 2020. All matters went smoothly from a technological standpoint.

Accordingly, the Supreme Court will now permit the use of Skype as an option for judicial settlement conferences where the judge, counsel and the parties all agree to proceed virtually.

The Court is also prepared to offer virtual court hearings in civil motions or applications that meet the following criteria:

- Parties are represented by counsel;
- The matter will take four hours or less;
- There is no *viva voce* evidence, including cross-examination; and
- All parties consent, or a judge otherwise orders.

The eligibility criteria will likely be expanded in time to allow for more matters, including lengthier matters, those requiring direct and cross-examination, those involving self-represented litigants and possibly trials. A decision will be made about expanding these criteria as the Court continues live testing to ensure the integrity of any proceeding is not detrimentally affected by using technology to hear the matter.

Despite extensive testing and training, the Court expects that there may still be difficulties with the technology and people's comfort with it. For virtual court hearings to be successful, counsel and the parties involved are encouraged to be patient, cooperative and flexible. In turn, the judges presiding over virtual court hearings will make every effort to be flexible, where feasible and appropriate.

If at any point during a virtual court proceeding a judge feels the new environment is affecting the integrity of the proceeding, the judge will have the sole discretion to adjourn the matter to another time or to await resumption of in-person hearings.

To begin, virtual court hearings and settlement conferences will be available only for eligible matters at the Law Courts in Halifax. As training and setup continues, the Court expects to expand this service to the Supreme Court (Family Division), as well as the General Division in the districts.

Counsel who have a matter that meets the eligibility criteria and that they feel would be appropriate for a virtual court hearing should contact their respective Prothonotary to request that the matter proceed virtually.

Conduct and Decorum in Virtual Court Hearings

Counsel, parties, members of the media, and others who may participate in virtual court hearings are expected to conduct themselves as though they were physically appearing in a courtroom. All manner of decorum, formalities and court practice must be adhered to, including proper business attire.

All virtual court hearings have the same expectations and rules as in-person hearings.

Prior to the commencement of a virtual court hearing, the judicial assistant will schedule a 15-minute virtual test for counsel only, to identify any issues with the technology, connectivity or video quality. This dry run will help ensure fewer issues during the actual hearing. Please note that court staff are not able to advise on what equipment to purchase for technology or troubleshoot connectivity issues.

Considerations for Participants in Virtual Court Hearings

When participating in a virtual court hearing, counsel and the parties are asked to please consider the following before connecting to the session:

- 1) Participation in virtual court hearings requires a commitment to technology. Counsel and the parties involved must have the ability to effectively connect to a video/audio conference in a consistent and reliable manner.
- 2) The required technology to participate by video includes a web camera for video display, audio and a microphone.
- 3) A reliable headset with a microphone is strongly recommended. This provides a better audio experience and reduces background noise for others when you are speaking. Earphones also work well.
- 4) To help avoid Internet interruptions or failure, participants are encouraged to have a hard-wired connection to your network. Wi-Fi connections will work but are not recommended. Counsel must also have their own Internet network to connect.
- 5) Devices such as Google Home, Alexa and Echo should be turned off during your participation in the hearing.
- 6) While the Court will offer a dry run prior to the hearing, you are encouraged to engage support from an independent IT expert who can provide you with help and advice. Court staff are not responsible to troubleshoot connectivity issues for counsel and parties.
- 7) Counsel and the parties are encouraged to regularly test the technology required for video conferencing, especially after installing additional hardware or software to your device. Participants are encouraged to connect to the virtual session at least 10 minutes early to allow time to troubleshoot any unexpected issues.
- 8) Ensure you are set up in quiet, private area with appropriate lighting. Avoid setting up your device in front of a window, as you will appear in shadow.
- 9) Counsel and parties are not permitted to record video or audio of any virtual court hearings or virtual judicial settlement conferences.

As the COVID-19 pandemic continues to affect Nova Scotians, the Supreme Court is acutely aware of the importance of continuing operations as much as is safely possible. With the flexibility and cooperation of the Bar and parties, the Court can offer this additional means to achieve timely, just and fair hearings.

The Judiciary thanks the Bar and parties who choose to use this virtual technology for their patience and commitment to this new process.

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COVID-19: JURY TRIALS IN NOVA SCOTIA CONTINUE TO BE SUSPENDED

Monday, May 11, 2020 (Halifax, NS) – To help prevent the spread of the COVID-19 virus, the Chief Justice of the Nova Scotia Supreme Court has extended the suspension of all jury trials in the province until Sept. 8, 2020.

Last week, the Chief Justices and Chief Judge met with public health officials, including Dr. Robert Strang, the province's Chief Medical Officer of Health, to discuss when it may be safe for the Courts to start returning to normal operations.

Based on the advice of public health officials to continue social distancing, it would be unsafe to have hundreds of people gather for jury selections at this time. The Supreme Court will re-evaluate the situation again at the beginning of September.

The Supreme Court has been operating under an essential services model since March 19, 2020. The Court has made advances in recent weeks to expand the services available under that model, where it is safe to do so. Virtual hearings and judicial settlement conferences are now available for some non-urgent civil matters in Halifax. Virtual hearings are possible because all the participants, including court staff and the judge, are participating remotely. That service will be expanded to the Family Division and General Division in the districts in the coming weeks.

For more information on how the Nova Scotia Courts are operating during the pandemic, go to https://www.courts.ns.ca/News_of_Courts/COVID19_Preventative_Measures.htm.

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COVID-19: BEST PRACTICES FOR VIRTUAL COURT

Friday, May 22, 2020

Virtual court options will be an important part of the Nova Scotia Supreme Court's pandemic recovery plan in the coming months. Counsel interested in learning more about virtual court hearings are encouraged to review [Best Practices for Remote Hearings](#), developed by the E-Hearings Task Force in Ontario.

The E-Hearings Task Force was established by the Ontario Bar Association, The Advocates' Society, the Federation of Ontario Law Associations and the Ontario Trial Lawyers' Association, in cooperation with the Ontario Superior Court of Justice. The focus was to work with the Superior Court to assist the Bench and Bar in implementing remote hearings in that province.

Although the Nova Scotia Supreme Court has not adopted this Best Practices document, it is offered as a useful resource to learn more about how remote hearings can work. It covers a range of issues, including civility and cooperation with opposing counsel and parties, pre-hearing preparation, issues to discuss with the judge in advance, how to prepare clients and witnesses, document management, and court etiquette.

In time, as the Judiciary gains more experience with virtual court, the Supreme Court hopes to develop its own best practices document for remote hearings in Nova Scotia.

Right now, virtual court hearings and settlement conferences are available only for eligible civil matters at the Law Courts in Halifax. As training and setup continues, the Court expects to expand this service to the Supreme Court (Family Division), as well as the General Division in the districts.

Counsel who have a matter that meets the eligibility criteria listed in the [May 7, 2020, directive](#), and that they feel would be appropriate for a virtual court hearing, should contact their local scheduler to request that the matter proceed virtually.

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COVID-19: NOVA SCOTIA SUPREME COURT LIFTS SUSPENSION OF FILING DEADLINES

Thursday, June 4, 2020 (Halifax, NS) – The Nova Scotia Supreme Court is lifting the suspension of filing deadlines under the Nova Scotia Civil Procedure Rules, effective 11:59 p.m. on Friday, June 5, 2020.

Previous directives of the Supreme Court had suspended filing deadlines for summary conviction appeals and civil and family matters in the General Division only, retroactive to March 19, 2020. These temporary measures were put in place while the Supreme Court was operating under an essential services model.

This notice lifts the suspensions outlined in those previous directives, effective 11:59 p.m. on Friday, June 5, 2020. At that time, all deadlines related to Supreme Court matters under the Civil Procedure Rules will once again be in effect.

Counsel and parties are advised that when calculating the time for the filing of a document or doing anything required under the Civil Procedure Rules, the period from March 19, 2020 up to and including June 5, 2020, shall not be included in the calculation.

Counsel and parties are also reminded that effective June 15, 2020, the Supreme Court (General Division) will return to its normal processes for filing court documents. That means courthouses will no longer accept electronic filings for Supreme Court (General Division) matters; counsel and parties will be expected to file paper copies of documents at courthouses. Filings will be done at drop boxes at courthouse doors, rather than at the front counters.

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COVID-19: SUPREME COURT MOVING TO SAFE SERVICES MODEL

Monday, June 8, 2020

Effective June 15, 2020, the Nova Scotia Supreme Court will start to move away from the modified essential services model that has been in place during much of the COVID-19 pandemic, and transition to a safe services model.

This means that counsel and parties will no longer have to establish that a matter is urgent or essential to proceed in-person. Non-urgent in-person hearings will be permitted, provided they can be conducted safely and in accordance with established protocols to protect against the spread of the COVID-19 virus.

“This is the first step towards our new normal,” said The Hon. Deborah K. Smith, Chief Justice of the Supreme Court. “Although in-person hearings will once again be available in all types of Supreme Court matters, some matters will still need to proceed virtually or be adjourned until such time that the proper safety protocols are in place. Counsel, parties and everyone involved can rest assured that in-person hearings will only take place if we are confident that they can be done safely.”

Counsel who have Supreme Court cases scheduled in the latter part of June will hear from the trial judge to discuss whether the hearing is able to safely proceed in-person.

To help prepare for this transition, the Judiciary has struck a Court Recovery Committee to identify, assess and mitigate potential risks associated with COVID-19. The Committee is undertaking a detailed assessment of every courtroom in the province to determine what modifications may be needed before they are deemed safe for in-person hearings.

Some courtrooms will not be appropriate for any in-person hearings due to their size. As well, only so many courtrooms will be in use at once in a courthouse, due to the limits imposed by social distancing requirements. Accordingly, virtual court options will continue to be an important part of the Supreme Court’s pandemic recovery plan in the coming months.

Counsel who have a matter that meets the eligibility criteria listed in the [May 7, 2020, directive](#), and that they feel would be appropriate for virtual court, should contact their local scheduler.

Filing Court Documents

Effective June 15, 2020, the Supreme Court (General Division) will return to its normal processes for filing court documents. That means that the General Division will no longer accept electronic filings for Supreme Court matters; counsel and parties will be expected to file paper copies of documents at courthouses. Filings will be done at drop boxes at courthouse doors, rather than at the front counters.

Counsel and self-represented litigants should be mindful that the courthouses continue to operate with reduced staff. As such, counsel should stagger their filings, whenever possible, and avoid filing large volumes of paper at once.

As well, counsel should expect some delays in processing this paperwork. All documents will be date-stamped the day that they are delivered to the court. Date-stamped copies will be provided to counsel in due course (not the date that they were filed).

Access to Courthouses

While the Court needs to expand the services offered to the public during the pandemic, it recognizes that the fewer people inside the courthouses, the better, from a safety perspective. For this reason, courthouses will continue to restrict who is permitted inside the building. Only those individuals who work in the building, who are participating in a court proceeding or who have an appointment will be permitted in courthouses.

To help maintain the open courts principle, members of the media will continue to be allowed inside courthouses to cover court proceedings in person; however, media are encouraged to consider participating remotely by telephone or Skype, as per the [Pandemic Media Access Policy](#). This will help to respect social distancing requirements inside courtrooms.

Sheriffs Officers will continue to screen individuals who wish to enter courthouses. No one should enter a courthouse if they feel unwell and are exhibiting any of the symptoms of COVID-19, as identified by public health officials.

Public File Access

Public access to files will resume on June 15, 2020, provided there is space available at the courthouse to view the files, while respecting social distancing. Individuals must contact Court Administration to make an appointment to view files, prior to coming to the courthouse. This is required so that staff can control the number of people in the viewing rooms. These spaces will be disinfected between appointments. Anyone coming to view files will be subject to health screening at the front door.

For information on the various Supreme Court directives related to COVID-19, please visit https://www.courts.ns.ca/News_of_Courts/COVID19_Preventative_Measures.htm.

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COVID-19: SUPREME COURT (GENERAL DIVISION) EXPANDS VIRTUAL COURT INITIATIVE

Wednesday, June 10, 2020

The Nova Scotia Supreme Court (General Division) is now able to offer virtual court options for more types of non-urgent civil matters, including trials, province wide.

Over the past month, the Supreme Court has continued to expand the services available during the COVID-19 pandemic, where it is safe to do so. Virtual hearings and settlement conferences were first introduced at the Law Courts in Halifax and are now available at all Supreme Court locations across the province.

Further to the [May 7, 2020, directive](#), the Supreme Court has expanded the eligibility criteria for virtual court hearings to permit matters with documentary exhibits and *viva voce* evidence, including cross-examination, as well as civil matters that can be dealt with in three days or less. As well, witnesses who testify remotely in virtual court hearings will now be affirmed.

With these developments, judges and counsel in some Supreme Court (General Division) matters may now agree that it is possible for their trial to proceed virtually.

Counsel who have a matter that meets these expanded eligibility criteria and feel it would be appropriate to proceed virtually should contact their local scheduler. Counsel and parties considering virtual court hearings are also encouraged to review [Best Practices for Remote Hearings](#), developed by the E-Hearings Task Force in Ontario.

Virtual court options will be an important part of the Supreme Court's pandemic recovery plan in the coming months. These remote appearances allow the Court to hear more matters without the need for additional staff working at the courthouse and in instances where courtrooms are too small to proceed in-person while respecting social distancing.

For information on the various Supreme Court directives related to COVID-19, please visit https://www.courts.ns.ca/News_of_Courts/COVID19_Preventative_Measures.htm.

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COVID-19: PREPARING FOR VIRTUAL COURT HEARINGS IN SUPREME COURT

Tuesday, July 7, 2020

Virtual court options are now available across the province for many civil, criminal and family matters in the Supreme Court of Nova Scotia. Counsel are encouraged to consider and use virtual court options whenever possible.

Virtual court includes remote hearings by telephone, video, and communication platforms like Skype, or a combination of these technologies. These remote appearances 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.

The Supreme Court began offering virtual court hearings and settlement conferences in May for some non-urgent civil matters at the Law Courts in Halifax. The Court has since expanded virtual court to include matters with documentary exhibits and viva voce evidence, including cross-examination. That means virtual court is available for civil and criminal matters in all locations, subject to the following criteria:

- All parties are represented by counsel;
- The matter can be dealt with in three days or less; and
- All parties consent, or a judge orders otherwise.

The Supreme Court (Family Division) will continue to direct that parties be heard by telephone, video or other electronic means, subject to a judge directing otherwise.

Counsel who have a Supreme Court matter that they feel should proceed virtually can contact their local scheduler or the presiding judge to make the request.

Conduct, Decorum and Expectations in Virtual Court Proceedings

Counsel, parties, members of the media, and others who may participate in virtual court hearings are expected to conduct themselves as though they were physically appearing in a courtroom. All manner of decorum, formalities and court practice must be adhered to, including proper business attire.

Virtual court hearings have the same expectations and rules as in-person hearings. That includes rules regarding robing. In matters where counsel would have been expected to robe in-person, counsel will also be expected to robe for the virtual appearance, unless otherwise directed by the judge.

Just like preparing for physical court appearances, counsel who are participating in a virtual hearing are expected to familiarize themselves with the technology and ensure they are fully prepared for their appearance, including testing their setup and equipment.

Please note that while court staff will offer a trial run prior to the hearing, they are not responsible to troubleshoot connectivity issues for counsel and parties. Counsel are encouraged to involve their firm's IT staff or engage an independent IT expert for the pre-hearing test, as well as for the actual virtual court proceeding.

The pre-hearing test is meant to replicate the actual virtual court proceeding. For the test, counsel should be set up with the equipment they expect to use and in the space where they expect to be working on the day of the hearing. After the test, counsel should not make any changes to the equipment, software or setting, as that can affect their ability to connect to virtual court the next time.

To help prepare for virtual court, counsel are also encouraged to read the [Best Practices for Remote Hearings](#) document developed by the E-Hearings Task Force in Ontario.

Considerations for Participants in Virtual Court Hearings

When participating in a virtual court hearing, counsel and the parties are asked to please consider the following before connecting to the session:

- 1) Participation in virtual court hearings requires a commitment to technology. Counsel and the parties involved must have the ability to effectively connect to a video/audio conference in a consistent and reliable manner.
- 2) The required technology to participate by video includes a web camera for video display, audio and a microphone.
- 3) A reliable headset with a microphone is strongly recommended. This provides a better audio experience and reduces background noise for others when you are speaking. Earphones also work well.
- 4) To help avoid Internet interruptions or failure, participants are encouraged to have a hard-wired connection to your network. Wi-Fi connections are not as reliable. Counsel must also have their own Internet network to connect.
- 5) Devices such as Google Home, Alexa and Echo should be turned off during your participation in the hearing.

- 6) While the Court will offer a trial run prior to the hearing, you are encouraged to engage support from an independent IT expert who can provide you with help and advice. Court staff are not responsible to troubleshoot connectivity issues for counsel and parties.
- 7) Counsel and the parties are encouraged to regularly test the technology required for video conferencing, especially after installing additional hardware or software to your device. Participants are encouraged to connect to the virtual session at least 10 minutes early to allow time to troubleshoot any unexpected issues.
- 8) Ensure you are set up in a quiet, private area with appropriate lighting. Avoid setting up your device in front of a window, as you will appear in shadow.
- 9) When appearing by video, your screen name should be your given name and surname. If your Skype profile includes a photo, ensure the photo is professional and appropriate for court, as others in the hearing will be able to see that if your camera is disabled or not working.
- 10) Counsel and parties are not permitted to record video or audio of any virtual court hearings or virtual judicial settlement conferences.

For more information on Virtual Court, please visit www.courts.ns.ca/Virtual_Court.htm.

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Supreme Court of Nova Scotia
Foreclosure Committee
COVID-19 Recommendations

The court is now able to schedule foreclosure sales, but with restrictions to comply with the COVID-19 orders under s.32 of the *Health Protection Act* and further guidance from Dr. Robert Strang. The committee recommends parties, counsel, and auctioneers follow the following practices.

Locations. Rooms may be available for sales, so long as COVID-19 restrictions can be observed in them:

Courthouse	Room
Amherst	16 Church Street, 3 rd floor
Annapolis Royal	The courtroom.
Antigonish	A courtroom.
Bridgewater	A small or a large boardroom, depending on availability. A courtroom may be available for a group of six or more.
Digby	Courtroom #1
Halifax	Seventh floor courtrooms.
Kentville	Former municipal planning office.
Pictou	A courtroom.
Port Hawkesbury	The conference room.
Truro	540 Prince Street
Sydney	Courtroom 11 for now.
Yarmouth	The large conference room

Sales of Hants County lands will need an order designating the courthouse in Kentville, Truro, or Halifax.

Bookings. Rooms are to be booked through the scheduling office in Halifax and prothonotaries' offices elsewhere.

Restrictions. People will be admitted to a courthouse only if they wear a protective mask and they give acceptable responses to questions about exposure and symptoms when asked on entry.

Counsel will be advised of the maximum sized group permitted in the room being booked.

People in the room may remove the mask, but they must maintain the two-metre distancing. The auctioneer will monitor compliance with Dr. Strang's orders.

Auctioneer's Health Duties. Auctioneers will exercise their power to adjourn the sale when more than the maximum number of people seek entry to a booked room. The possibilities are:

- Adjourn to an adequate space court administration, a scheduler, or a prothonotary can offer at that time.
- Adjourn to an adequate space at a new date and time offered later.
- Adjourn to a date certain, with a place in the courthouse to be designated at that time.
- Adjourn without day.

An auctioneer who finds that people in the room are violating the s.32 order may remind people of s.71 of the *Health Protection Act* and of Rule 89 – Contempt. An auctioneer who finds that it is not possible to comply with the order may adjourn the sale. An auctioneer who finds that someone deliberately obstructs the sale may contact the sheriffs' office to have the person removed and may continue with the sale.

Notices. Court staff may select a place for posting the notice of public auction that would reduce interaction with staff and among interested persons. In future, chambers judges may consider overriding the posting requirement while we are under COVID-19 restrictions.

The Committee recommends adding the following paragraph to the notice of public auction and the notice to subsequent encumbrances:

COVID-19: The court requires people entering a courthouse to maintain a two-metre distance from others and to wear a protective mask. The distance must be maintained in the room in which the auction is held. The mask may be removed during the auction and put back on when leaving the room. Additional requirements under the emergency health order will be enforced.

On Behalf of the Committee
July 22, 2020.

Moir, J.

Gerald Moir
Chair



COVID-19: MOTIONS FOR DIRECTIONS TO BE HELD IN-PERSON IN HALIFAX

Wednesday, Nov. 4, 2020

The Supreme Court of Nova Scotia (General Division) is further expanding the types of matters that can be held in-person during the COVID-19 pandemic.

On June 15, 2020, the Supreme Court transitioned to a safe services model, which meant counsel and parties no longer had to establish that a matter was urgent or essential to proceed in-person. Non-urgent in-person hearings are now regularly permitted, provided they can be conducted safely and in accordance with the COVID-19 Court Recovery Plan and established public health protocols to protect against the spread of the coronavirus.

Effective Nov. 16, 2020, all Motions for Directions scheduled at the Law Courts in Halifax will be held in-person, unless otherwise noted by the presiding judge. Motions for Directions are procedural appearances in certain types of Supreme Court matters held to discuss such things as scheduling of hearing dates, filing of documents and other case management issues.

Other types of matters scheduled in General Chambers will continue to be held by video or telephone. For more details on Telechambers, please refer to the [April 29, 2020, notice](#).

For information on the various Supreme Court directives related to COVID-19, please visit https://www.courts.ns.ca/News_of_Courts/COVID19_Preventative_Measures.htm.

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

Wednesday, April 1, 2020

The COVID-19 global pandemic has placed all of us in an unprecedented situation. Organizations and institutions around the world, including the courts, are attempting to deal with this crisis in the best and safest manner possible.

Members of the Nova Scotia Judiciary have met with public health officials, including Nova Scotia's Chief Medical Officer of Health. The Supreme Court's decision to adopt an essential services model was based on the advice of these experts.

We appreciate the difficulties such a model presents; however, the safety of those who work in and appear before the Courts must govern how we function during this crisis. We are attempting to balance the need for the Courts to remain open, with the need to ensure that the public and our staff are safe. It can be a delicate and difficult balancing act sometimes. We ask that you please keep this in mind in the weeks ahead.

This document should be read in conjunction with the various directives issued by the Supreme Court in relation to COVID-19, all of which can be found on the Courts' website at https://www.courts.ns.ca/News_of_Courts/COVID19_Preventative_Measures.htm.

This is a difficult and uncertain time for everyone. We know that many of you have questions and we have endeavoured to answer some of those below. We will update this document regularly as more questions come in.

In the meantime, we ask for your patience and cooperation as we work through these new processes.

Thank you.

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

Q/ Why has the Supreme Court adopted an essential services model?

The Chief Justices and the Chief Judge met with Dr. Robert Strang and representatives of the Nova Scotia Department of Justice, including Court Services staff, on March 18, 2020. During that meeting, we were advised that courthouse staffing levels had to be reduced to an absolute minimum. Staffing the front desks to accept and process court documents, as well as having judicial assistants and other staff members physically in the building to support judges and record court proceedings was putting them — and the public — at risk. With that in mind, the Court decided to adopt an essential services model, which enables the Court to continue operating with significantly reduced staff.

Q/ What does an essential services model mean?

An essential services model means that, until further notice, the Supreme Court will only be dealing with and accepting documents in relation to urgent or essential matters, as determined by a judge. For those matters that are deemed urgent or essential, judges will consider whether alternative measures, such as telephone or videoconferencing, may be used to hear those matters.

It also means that court documents related to matters not proceeding in the immediate future should not be filed until the Court has resumed normal operations. This will help reduce the number of new filings at courthouses, so staff can focus on processing documents related to the urgent and essential matters that are proceeding.

Q/ What does urgent or essential mean?

Individual judges will make their own determination of what is urgent or essential, based on the facts before them. Generally, urgent could mean an emergency or a situation that requires immediate action or attention, while essential would be defined as absolutely necessary, such as documents that need to be filed to preserve a limitation period. If you are unsure whether something might be considered urgent or essential, you should contact the Court for further directions.

Q/ Why can't the Court accept non-essential documents during the pandemic?

Documents filed with the Court must be processed. That requires staff to work in-person at the courthouses. The advice we have received from public health officials is that courthouse staffing levels should be reduced to an absolute minimum while the situation with the COVID-19 pandemic continues. Reducing the number of documents filed with the Court ensures staff can focus on processing documents related to the urgent and essential matters that are proceeding.

Q/ Can someone file court documents to preserve a limitation period?

Yes, documents that need to be filed to preserve a limitation period will be considered urgent or essential. Please indicate in your covering letter to the Court that you are filing your documents to preserve a limitation period.

Q/ How can lawyers communicate with the Court if there are urgent or essential matters to be dealt with?

Any documents related to urgent or essential matters in the Supreme Court should be submitted by email or fax, as per the Court's directive of March 26. That directive is available online at https://www.courts.ns.ca/News_of_Courts/documents/NSSC_E-Filing_NR_03_26_20.pdf. A link to the list of email addresses and fax numbers for the Supreme Courts is included in that directive. If someone does not have access to a computer or fax machine, they should call the Court for further directions.

Q/ Could the Court be hearing more matters with the help of technology?

Judges in the Supreme Court are already using telephone and videoconferencing to hear the urgent and essential matters that are proceeding. However, it may not be appropriate to use technology in all instances. Court proceedings are not like office meetings. We need to ensure we have an appropriate level of security; a proper and reliable court record, in those situations where a record is required; and a system that does not require in-person staff involvement, to help keep staffing levels at a minimum. The Court is exploring what options may exist that meet these requirements and we will keep you advised of any developments in this regard.

Q/ Can we do Date Assignment Conferences during the pandemic?

A decision has been made not to schedule any new matters until further notice, to help deal with the *Jordan* issues we are expecting once this crisis is over. For now, we need to leave trial dates open to allow some flexibility to schedule urgent criminal matters that will need to be heard once the Courts resume normal operations. Accordingly, the Court will not be proceeding with Date Assignment Conferences at this time.

Q/ When will the courts resume normal operations?

Our goal is for the Courts to return to normal operations as soon as possible. However, we are relying on the advice of public health officials on when it may be safe to do so. These preventative measures will remain in place until we are confident the health risks to those working in and appearing before the Courts is significantly reduced.

Q/ When can we expect further updates?

Further updates will be communicated publicly as new directives are finalized. 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.



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.



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

3rd Edition – Sunday, May 3, 2020

The COVID-19 global pandemic continues. Just this weekend, the Premier extended the provincial State of Emergency for Nova Scotia.

Decisions surrounding the operation of the courts during the pandemic continue to be guided by the advice of public health officials, including Nova Scotia's Chief Medical Officer of Health. Our goal is to balance the need for the courts to remain open, with the need to ensure that the public and our staff are safe.

Over the past two weeks, the Nova Scotia Supreme Court has worked with the Nova Scotia Department of Justice on ways to expand the services available under its essential services model, without increasing staff. In-person hearings are still limited to urgent and essential matters, as determined by a judge. However, certain non-urgent matters are now proceeding if they can be handled remotely or in writing. This provides greater access to the courts, while protecting the health and safety of staff and the public.

The Department and the Judiciary have also been working to develop virtual court. I am pleased to report that a virtual court pilot project was successfully held in the Supreme Court on April 30, 2020. We hope to have more to share on this initiative soon.

We know that many of you have questions relating to court services during the pandemic. We have endeavoured to answer some of these questions below. We will update this document regularly as more questions arise.

This document should be read in conjunction with the [April 1, 2020](#), and the [April 15, 2020](#), editions of my Frequently Asked Questions, as well as the various directives issued by the Supreme Court in relation to COVID-19, all of which are on the Courts' website at https://www.courts.ns.ca/News_of_Courts/COVID19_Preventative_Measures.htm.

Thank you.

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

Q/ What changes have occurred since the second edition of Frequently Asked Questions came out on April 15, 2020?

There have been several advances made by the Supreme Court over the past two weeks.

On April 17, 2020, the Supreme Court announced that it will permit personal service to be effected by email, with the consent of the person who is being served. For more details, please refer to the [April 17, 2020, directive](#).

On April 21, 2020, the Supreme Court expanded its essential services model to accept filings for certain non-urgent matters during the pandemic. Those documents include Motions by Correspondence; non-urgent written Applications (where all parties and the judge agree that the matter can be dealt with solely in writing); uncontested divorces (in the General Division); and Consent Orders. For more details, please refer to the [April 21, 2020, directive](#).

On April 22, 2020, the Supreme Court expanded service in the Probate Court to allow new applications for Grants of Probate and Grants of Administration. The full directive is available online [here](#).

Commencing May 4, 2020, the Supreme Court (General Division) will conduct Telechambers in Halifax, with the judge and judicial assistant both participating remotely by telephone. This new setup for General Chambers is a first step toward entirely remote court proceedings. Once Telechambers has been tested successfully in Halifax, it will be implemented in the districts. For full details, please refer to the [April 29, 2020, directive](#).

Counsel are reminded that, unless a judge directs otherwise, filing deadlines outlined in the Civil Procedure Rules for civil and family matters in the General Division remain suspended. Accordingly, there will be restrictions on which matters can proceed.

Cases best suited to Motions by Correspondence, written Applications or Telechambers will include those cases that were ready to proceed in March 2020 but were adjourned when the court moved to an essential services model, *ex parte* matters, and cases in which all parties consent to the matter being dealt with.

Q/ How is the virtual court pilot project going?

The Supreme Court has developed a virtual court setup using Skype for Business and the existing court audio recording system. Training for judges and judicial assistants is continuing, and as I mentioned above, the first virtual court proceedings were held on the record on April 30, 2020, as part of a pilot project. One was a motion in a civil matter, the other a criminal pre-trial hearing. Both matters went smoothly from a technological standpoint.

Virtual court hearings will be piloted in Halifax, to start. The initiative will be expanded as more judges and judicial staff are trained and set up to work remotely, and as more cases are brought forward for consideration. To date, the Supreme Court has offered virtual hearings to counsel in six civil matters, but counsel in only one case agreed to proceed virtually.

We expect to have an update soon on virtual court, as well as virtual Judicial Settlement Conferences and virtual criminal Resolution Conferences. In the meantime, some judges have agreed to hold Judicial Settlement Conferences by telephone. For a list of these judges, please contact the Provincial Prothonotary, Caroline McInnes, at Caroline.McInnes@courts.ns.ca or the Supreme Court Prothonotary, Timothy Morse, at Timothy.Morse@courts.ns.ca.

Q/ Have there been any changes in how civil matters are being dealt with?

As noted in the [April 15, 2020, edition](#) of my Frequently Asked Questions, the Supreme Court was reviewing civil cases three weeks in advance of the anticipated hearing date to determine whether the case would be proceeding. Due to the uncertain nature of the pandemic, we did not want to adjourn cases too far into the future, only to find out that we could resume normal operations sooner than we anticipated.

At the Supreme Court Bench/Bar Liaison Committee meeting held on April 16, 2020, it was suggested that counsel may appreciate longer notice of adjournments. The Nova Scotia Barristers' Society was kind enough to survey its members, which confirmed that the majority would prefer four weeks' notice instead of three. The Court was happy to accommodate this request and as such, we are now reviewing civil cases four weeks out.

We recognize that with certain cases, counsel will want to know more than four 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/ Have Date Assignment Conferences been reinstated yet?

No. As previously indicated, a decision has been made not to schedule any new matters until further notice, to help deal with the *Jordan* issues we are expecting once this crisis is over. We will try to resolve those criminal scheduling issues as soon as possible after the court returns to normal operations, so that we can once again start scheduling civil matters. However, for the time being, any Date Assignment Conferences that are presently scheduled will not be proceeding.

Q/ I have a question that I want answered. Who do I submit my question to?

The Supreme Court is holding regular meetings of its Bench/Bar Liaison Committee during the pandemic. The next meeting is scheduled for Thursday, May 14, 2020. If you have a question 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

Q/ When will the courts resume normal operations?

Our goal is for the courts to return to normal operations as soon as possible. We will be meeting with public health officials again this week to discuss when it may be safe to do so. We anticipate any further expansion of our present services will be gradual and that extra precautions will have to be taken to help reduce the risk of spreading of the virus.

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 COVID-19 updates page of the Courts' website at: https://www.courts.ns.ca/News_of_Courts/COVID19_Preventative_Measures.htm.



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

4th Edition – Wednesday, May 27, 2020

In March 2020, the Nova Scotia Supreme Court moved to an essential services model to respond to the evolving situation with the COVID-19 pandemic. Proceedings were limited to urgent and essential matters, as determined by a judge. Filings related to those urgent and essential matters were done electronically, unless a judge directed otherwise. Until further notice, paper copies of documents would not be accepted at courthouses.

A month later, in April 2020, the Supreme Court was able to move to a modified essential services model. The Court began to accept certain non-urgent matters, as outlined in the [April 21, 2020, directive](#). General Chambers resumed remotely in Halifax as Telechambers (see the [April 29, 2020, directive](#)). However, in-person hearings across the province were still limited to urgent or essential matters only.

Now, more than two months into this global pandemic, the situation continues to evolve. As such, effective June 15, 2020, the Supreme Court will begin to move away from its modified essential services model and transition to a safety services model. That means counsel and parties will no longer have to establish that a matter is urgent or essential to proceed. An increased number of in-person hearings will be permitted, provided they can be conducted safely and in accordance with established protocols to protect against the spread of the COVID-19 virus.

We know that many of you will have questions concerning how the new safety services model will work. We have endeavoured to answer these questions below. We will update this document regularly as more questions arise.

This document should be read in conjunction with the previous three editions of Frequently Asked Questions, as well as the various directives issued by the Supreme Court in relation to COVID-19, all of which are posted on the Courts' website at https://www.courts.ns.ca/News_of_Courts/COVID19_Preventative_Measures.htm.

Thank you.

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

Q/ How is the Supreme Court preparing to move to a safety services model?

The Nova Scotia Judiciary has struck a Court Recovery Committee to identify, assess and mitigate potential risks associated with COVID-19, as the Courts begin to expand the services available during the pandemic. The Committee, chaired by Supreme Court Justice Darlene Jamieson, is composed of judges representing each level of 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 work will be guided by advice from an Occupational Health and Safety (OHS) consultant, public health experts, and other disciplines, as needed.

The Committee will develop guidelines and protocols to help protect the health and safety of those working in and attending courthouses, with a specific focus on preventing the introduction and spread of COVID-19. Physical distancing will be the cornerstone of the plan, along with disinfecting procedures and good hand hygiene. These practises, combined with key engineering, administrative and personal interventions, will help reduce and mitigate risks.

Q/ What will the Committee do to ensure that public health guidelines are respected as court operations resume?

The Committee is undertaking a detailed assessment of every courtroom in the province to determine what modifications are necessary for each space, from a social distancing perspective, before they are deemed safe for in-person hearings.

Among other things, the Committee's work will also include:

- Developing guidelines for the use of personal protective equipment (PPE);
- Developing sanitizing protocols for enhanced cleaning of courthouses and courtrooms (i.e. sanitizing witness boxes between witnesses);
- Establishing sanitizing stations at appropriate locations in courthouses;
- Installing signage to assist in designating the safe use of courthouse spaces, including elevators, hallways, bathrooms, interview rooms, and copy rooms; and
- Assessing courtroom procedures to determine how best to maintain social distancing and other public health protocols.

Q/ How will the Bar be informed of the Committee's ongoing work?

The Court Recovery Committee will discuss its work with the Bar through representatives from the various professional organizations and groups representing lawyers across Nova Scotia. Initial discussions will take place shortly.

Q/ Does this mean that the Supreme Court will resume normal operations?

No. This is the first step towards the Court's new normal. While in-person proceedings will be an option for all types of matters starting June 15, 2020, non-urgent in-person proceedings will only take place when the necessary safety protocols are in place. Some courtrooms will not be appropriate for any in-person hearings due to their size. Only so many courtrooms will be in use at once in a courthouse due to limits caused by the need for social distancing. That means some matters will still need to proceed virtually or be adjourned until such time that they can proceed safely.

The reality is also that our present court facilities will not permit some types of proceedings to be heard during the pandemic. One such example is jury trials. As per the [May 11, 2020, directive](#), the Court has extended the suspension of all jury trials in Nova Scotia until Sept. 8, 2020. In the meantime, the Court Recovery Committee has formed a sub-committee tasked with locating and developing off-site facilities capable of safely handling jury selections and jury trials.

Q/ Are there any other changes going into effect on June 15, 2020?

Yes. Effective June 15, 2020, the Supreme Court will return to its normal processes for filing court documents. That means courthouses will no longer accept electronic filings for Supreme Court matters; counsel and parties will be expected to file paper copies of documents at courthouses. Filings will be done at drop boxes at courthouse doors, rather than at the front counters.

With this change, the Court expects to start receiving large volumes of paper filings. However, the courthouses are still working with reduced staff. Counsel are asked to keep these limitations in mind and stagger their filings, whenever possible. **PLEASE DO NOT FILE LARGE VOLUMES OF PAPER AT ONCE.**

As well, counsel should expect some delays in processing paperwork filed with the Court. All documents will be date-stamped the day they are delivered to the court. Date-stamped copies will be provided to counsel in due course (not the date that they were filed).

Q/ Will I be able to continue to filing documents electronically after June 15, 2020?

No. The Courts do not have a document management system. Accordingly, electronic filing will not be permitted after June 15, 2020.

The Judiciary recognizes the benefits of a proper document management system and will be working with the provincial government to try to implement such a system in the future.

Q/ Will virtual court hearings continue to be an option under the safety services model?

Absolutely. The Court expects that several of our courtrooms across the province will be too small for social distancing. In addition, only so many matters will be able to be held in-person at once in a courthouse due to the requirement for social distancing. Accordingly, virtual court options will be an important part of our pandemic recovery plan in the coming months and likely into 2021. We encourage counsel to consider and use virtual court, whenever possible.

Q/ How is the Court going to handle the backlog of cases that has developed since the pandemic began?

District judges will manage their backlog individually. In Halifax, all criminal trials (except for jury trials) which were adjourned due to the pandemic are being rebooked this month for future dates. In June, civil matters that were adjourned will be rebooked to future dates. We hope to be able to start booking new matters again starting in July 2020.

Counsel who have a General Chambers or Appearance Day matter or a DAC or Motion for Directions that was adjourned due to the pandemic, please contact the scheduling office to rebook. Please note that no DAC's or Motions for Directions will be rescheduled to be heard before July 2020.

If you have a Special Time Chambers matter, a hearing or a trial that was adjourned due to the pandemic, the scheduling office will contact you in June to reschedule the matter.

Q/ I have a case that is scheduled to be heard in June 2020. Will it be bumped to accommodate the hearing of a case that was adjourned as a result of the pandemic?

No. The Supreme Court will not be bumping cases to accommodate other cases that had to be adjourned due to the pandemic. If you have a case that is scheduled to be heard in June, the trial judge will be in contact with you to discuss whether the hearing is able to proceed safely, as scheduled.

Q/ How can counsel help deal with the backlog?

The reality is, until a vaccine is developed and widely available, our ability to serve Nova Scotians is going to be affected. The Court is encouraging counsel to review their files (both civil and criminal) for the rest of the 2020 year to see if a settlement conference or resolution conference would assist in bringing the matter to a conclusion. Every case that can be settled without a court hearing is one less in the queue waiting to be heard.

Q/ Will filing deadlines continue to be suspended for civil and family matters in the General Division?

Yes. A notice will go out to the Bar and will be posted on the Courts' website when the suspension of filing deadlines has been lifted.

Q/ Will courthouses be open to the public again on June 15, 2020?

While we need to expand the services offered to the public, we recognize that the fewer people in the courthouses, the better, from a safety perspective. For this reason, only those individuals who work in the building, who are participating in a proceeding or who have an appointment will be permitted in courthouses.

Sheriffs Officers will continue to screen individuals who wish to enter courthouses. No one should enter a courthouse if they feel unwell and are exhibiting any of the symptoms of COVID-19, as identified by public health officials.

Q/ If I have a question relating to the safety services model, who do I contact?

The next meeting of the Supreme Court Bench-Bar Liaison Committee will take place on at 4:30 p.m. on Wednesday, June 10, 2020. The sole agenda item is the COVID-19 pandemic. If you have questions that you would like answered, please contact one of the following Bar representatives on this 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 can we expect further updates?

Further updates will be communicated publicly. All public notices from the Nova Scotia Courts will be shared via social media on the Courts' Twitter feed and posted on the Courts' COVID-19 updates page at https://www.courts.ns.ca/News_of_Courts/COVID19_Preventative_Measures.htm.

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