



# Accessing the Courts during COVID19

**THE ATLANTIC PROVINCES**

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# Prince Edward Island

- ▶ COVID: 27 total cases, no new cases since April 28
- ▶ CURRENTLY few in-person hearings; Prov'l Court closed to all but defined list, including media; criminal matters adjourned unless accused in custody
- ▶ DAILY DOCKETS for Provincial Court available by telephone call to trial coordinator; Supreme Court docket by monthly email
- ▶ ACCESS TO COURT FILES by email request; court offices can provide paper file for review with social distancing
- ▶ REMOTE PROCEEDINGS by video and telephone for matters going forward; some problems with system capacity; media can no longer drop-in mid-hearing or change virtual courtrooms
- ▶ REOPENING: no formal plan yet announced



# New Brunswick

- ▶ COVID: 123 total cases, no new cases since May 28 (new cluster)
- ▶ CURRENTLY presiding judge decides remote or in-person; courts half-staffed; most criminal matters proceeding as usual with distancing
- ▶ DAILY DOCKETS published online pre- and post-pandemic
- ▶ ACCESS TO COURT FILES database (but not documents) available online, documents obtained from court office - uninterrupted, subject to staffing
- ▶ REMOTE PROCEEDINGS at Queen's Bench started May 18, limited to pre-trials, some motions
- ▶ REOPENING in stages starting June 1 for all in-person QB matters, with jury trials resuming August 15 at new venue TBD; media explicitly permitted in courtrooms



# Newfoundland & Labrador

- ▶ COVID: 260 total cases; May 28 first new case since May 7
- ▶ CURRENTLY very little in-person except prov'l court, 1<sup>st</sup> appearances and so on. Remote hearings for some matters. Paper document filings permitted; no e-filing.
- ▶ DAILY DOCKETS available online pre- and post-COVID
- ▶ ACCESS TO COURT FILES by email to appropriate court district office, phone to provincial court office
- ▶ REMOTE PROCEEDINGS started May 19, limited to crim pre-trials, case conferences, some motions
- ▶ REOPENING plans not yet announced (as of May 28)



# Nova Scotia

- ▶ COVID: 1,053 total cases; ~1 new case per day (@May 28)
- ▶ CURRENTLY no in-person hearings; most non-urgent matters being adjourned; only rudimentary e-filing for 'urgent matters' (ie time-sensitive); filing deadlines suspended (but not limitations)
- ▶ DAILY DOCKETS available, on request, from Judiciary Comms Director
- ▶ ACCESS TO COURT FILES available from Comms Director in urgent cases only
- ▶ REMOTE PROCEEDINGS started April 30, for qualifying matters (no self-reps, less than 4 hours, no in-person evidence, all consent)
- ▶ REOPENING plans – 'safety services model – starts June 15, socially-distanced in-person SC and CA matters; no jury trials until Sep 8 pending new venue; remote hearings to continue for eligible motions



# ITO's – Urgent?

- ▶ ITO = Information to Obtain: police officer's sworn statement containing evidence justifying issuance of warrant
- ▶ Courts only hearing “urgent” matters – all others adjourned
- ▶ NL: Sherry Gambin-Walsh, sitting MHA and member of cabinet, removed by premier upon allegation of breaching cabinet confidence. RCMP obtained warrant.
  - ▶ Media sought access to ITO – Court concludes not urgent; adjourned
- ▶ NS: RCMP obtain various warrants relating to Portapique shooter.
  - ▶ Media sought access to ITOs – Court accepts urgency; appln can proceed
- ▶ What distinguishes these cases?



# Courts With and Without Communications Director

- ▶ Among Atlantic provinces only Nova Scotia has a designated Judiciary Director of Communications
- ▶ NS only Atlantic jurisdiction to issue separate guidelines specific to media access
- ▶ Directed almost all access and document inquiries to Comms Director personally
- ▶ Because of reduced volume, ad hoc e-filing, in some ways results in better access than in before-times



# Resources

▶ PEI:

[https://  
www.princeedwardisland.ca/en/information/justice-and-public-safety/prince-edward-island-courts-covid-19-im  
pacts](https://www.princeedwardisland.ca/en/information/justice-and-public-safety/prince-edward-island-courts-covid-19-im-pacts)

▶ NB:

<https://www2.gnb.ca/content/gnb/en/departments/jag/justice/content/covid-19.html>

▶ NL:

<https://court.nl.ca/supreme/covid-19-information.html>

▶ NS:

[https://www.courts.ns.ca/News\\_of\\_Courts/COVID19\\_Preventative\\_Measures.htm](https://www.courts.ns.ca/News_of_Courts/COVID19_Preventative_Measures.htm)

[https://www.courts.ns.ca/News\\_of\\_Courts/documents/COVID19\\_Media\\_Access\\_NR\\_04\\_08\\_20.pdf](https://www.courts.ns.ca/News_of_Courts/documents/COVID19_Media_Access_NR_04_08_20.pdf)

▶ NS ITO application:

<https://www.cbc.ca/news/canada/nova-scotia/nova-scotia-shooting-warrant-unseal-1.5552437>

▶ NL ITO application:

[https://  
www.cbc.ca/news/canada/newfoundland-labrador/sherry-gambin-walsh-paul-didham-search-warrant-1.5536  
601](https://www.cbc.ca/news/canada/newfoundland-labrador/sherry-gambin-walsh-paul-didham-search-warrant-1.5536601)