



CENTRAL REGION

REMOTE APPEARANCE PRACTICE DIRECTIVE

Effective June 6, 2022

Application

The following is the practice in the Central Region and shall apply in any proceeding unless directed otherwise by the presiding Judge, except Wetaskiwin Youth, Family and Child Protection matters, which are governed by the [Edmonton Family and Youth Remote Appearance Practice Directive](#).

1. Introduction

- 1.1. For purposes of this practice note, virtual attendance means appearance by video. Audio only or telephone attendance is not acceptable unless with leave of the court in exceptional circumstances.
- 1.2. Where appearing virtually, **counsel are expected to follow the [Conduct Guide For Remote Appearances](#)**, including:
 - to appear by video (as opposed to audio only),
 - to be attired appropriately for a court proceeding,
 - to have a professionally appropriate background, and
 - to use equipment that will provide good audio quality
- 1.3. In all docket proceedings, the clerk will call counsel matters in order of seniority except where the court deems it practical to do otherwise. For this reason, it is recommended that counsel appearing virtually use a screen identification that includes their year of bar call before their surname. If counsel do not respond when their matter is called, they will be placed at the end of the list.
- 1.4. In relation to all court appearances, the Judge and the Clerk will ordinarily be in person in the courtroom. Circumstances may warrant remote appearance by one or both from time to time.

1.5. All participants must attend in person for a proceeding in which viva voce evidence is to be given.

1.5.1. Application for virtual appearance may be made:

1.5.2. in advance in court, either virtually or in person,

1.5.3. in advance by correspondence to the assigned Judge or ACJ, or

1.5.4. **virtually, on the date of scheduled court appearance before the presiding Judge.**

1.6. Application(s) for virtual appearance will be filed at the following base locations for the base and circuit points:

2. Criminal

2.1. Designation of Counsel (DOC)

2.1.1. Should be filed by first court appearance or as soon thereafter as possible.

2.2. Case Management Office (CMO)

2.2.1. Appearance shall be by telephone.

2.3. Docket

2.3.1. The primary Prosecutor and Duty Counsel will appear in person. Federal Crown and Provincial Crown who do not have carriage of the docket and are appearing only on a limited number of matters, may appear remotely.

2.3.2. Defence Counsel may appear virtually or in person for routine brief matters including adjournments and informal applications, and short dispositions of summary matters where a custodial sentence is not anticipated.

2.3.3. Out-of-custody accused appearing in relation to the above may attend virtually with counsel or in person.

2.3.4. In-custody accused will appear by CCTV. Application may be made in advance to have an in-custody accused appear in person.

2.3.5. If an accused is present in person, whether in- or out-of-custody, Defence counsel should also be present in person and particularly if the case relates to a matter:

- of particular gravity or complexity, or
- that will involve lengthy submissions, or
- that involves an accused with cognitive or mental health issues, or
- that may result in a significant period of custody

2.4. Drug Treatment Court

2.4.1. In person attendance by all participants.

2.5. Pre-trial Conference (PTC)

2.5.1. Attendance shall be by teleconference unless the accused is self-represented, in which case a PTC will occur in court on the record.

2.6. Application hearing outside of docket ("special applications")

2.6.1. All participants shall appear in person. An application must be made to appear virtually.

2.7. Bail Hearings

2.7.1. Counsel shall appear in person for contested bail hearings.

2.8. Trial and Preliminary Inquiry

2.8.1. All participants shall appear in person. An application must be made if counsel wish to appear virtually. Applications for witnesses to attend virtually must be made in accordance with the [Protocol for Booking Courtroom Technology for Remote Witness Testimony](#).

3. **Youth**

3.1. The same practice applies as for Adult Criminal.

3.2. Please note that Wetaskiwin Youth is subject to the [Edmonton Family and Youth Remote Appearance Practice Directive](#).

4. Family

4.1. Please note that Wetaskiwin Family is subject to the [Edmonton Family and Youth Remote Appearance Practice Directive](#).

4.2. Docket

4.2.1. Counsel, court caseworkers, and parties may appear virtually or in person for routine brief matters.

4.2.2. Duty Counsel will appear in person.

4.3. Pre-Trial Conference (PTC)

4.3.1. Shall occur by teleconference.

4.4. Judicial Dispute Resolution (JDR)

4.4.1. Shall occur by virtual appearance.

4.5. Hearings and Trials

4.5.1. All participants shall appear in person. An application must be made if counsel wish to appear virtually. Applications for witnesses to attend virtually must be made in accordance with the [Protocol for Booking Courtroom Technology for Remote Witness Testimony](#).

5. Child Protection

5.1. Please note that Wetaskiwin Child Protection is subject to the [Edmonton Family and Youth Remote Appearance Practice Directive](#).

5.2. Docket

5.2.1. Counsel, caseworkers, and parties may appear virtually or in person for routine brief matters.

5.2.2. Duty Counsel will appear in person.

5.3. Apprehension application

5.3.1. Shall occur in person unless the requirement of s. 19(5) of the CYFEA is met (impracticable to appear personally before a Judge).

5.4. Secure Services application

5.4.1. Shall occur in person.

5.5. Initial Custody hearing

5.5.1. Shall occur in person.

5.6. Pre-Trial Conference (PTC)

5.6.1. Shall occur by teleconference unless a party is self-represented in which case the PTC will occur in court on the record.

5.7. Judicial Dispute Resolution (JDR)

5.7.1. Shall occur by teleconference

5.8. Hearings and Trials

5.8.1. All participants shall appear in person. An application must be made if counsel wish to appear virtually. Applications for witnesses to attend virtually must be made in accordance with the [Protocol for Booking Courtroom Technology for Remote Witness Testimony](#).

6. Protection of Children Abusing Drugs Act (PCHAD) applications

6.1. Shall occur in person, unless the requirements of s. 4.2(1) the Act is met (showing good reason).

6.2. Counsel may appear virtually or in person for reviews of confinement orders.

7. Protection of Sexually Exploited Children Act (PSECA) applications

7.1. Shall occur in person, unless the requirements of s. 2 of the Act are met (impracticable to appear personally).

7.2. Counsel may appear virtually or in person for reviews of confinement orders.

8. Mental Health Act warrant applications

8.1. Shall occur in person.

9. Emergency Protection Order applications

9.1. Shall occur in person.

10. Civil

10.1. Docket

10.1.1. Parties may attend virtually, with advance notice to the court, or in person.

10.1.2. If viva voce evidence is to be given in a proceeding, all participants must attend in person.

10.2. Pre-Trial Conferences

10.2.1. Shall occur by teleconference.

10.3. Hearings and Trials

10.3.1. All participants shall appear in person. An application must be made if counsel wish to appear virtually. Applications for witnesses to attend virtually must be made in accordance with the [Protocol for Booking Courtroom Technology for Remote Witness Testimony](#).

11. Fatality Inquiry

11.1. Pre-Inquiry Conference

11.1.1. Shall occur by virtual appearance

11.2. Inquiry Hearing

11.2.1. All participants shall appear in person. An application must be made if counsel wish to appear virtually. Applications for witnesses to attend virtually must be made in accordance with the [Protocol for Booking Courtroom Technology for Remote Witness Testimony](#).

As per: Assistant Chief Judge Snider
Central Region Courts