

MEDIA RELEASE

TO: All New Brunswick Media

FROM: Chief Justice of New Brunswick, Chief Justice of the Court of Queen's Bench and Chief Judge of the Provincial Court

DATE: March 16, 2020

RE: **COVID-19 Courts Business Continuity Plan**

The New Brunswick Courts have been meeting with representatives of government to address the issues arising out of the Coronavirus (COVID-19). The Courts will be taking pro-active and preventative measures to protect the participants in the justice system and to reduce the spread of COVID-19. The Courts recognize the seriousness of the situation and prioritize the health and safety of all court participants, while balancing the need to maintain judicial operations and to preserve the rule of law.

The Courts also recognize the important principles of open courts and access to timely justice. In issuing the directives described below, we have been mindful of these principles and weighed them against the reality of the societal harms that could result from a failure by the courts to adhere to the guidelines and recommendations of medical professionals.

Effective Monday, March 16, 2020, access to the courthouses in New Brunswick is restricted to only those persons who are necessary to the proceedings before the courts. This will include counsel, litigants, accused, witnesses, victim service workers and members of the media. The general public will not be allowed in the courthouse. Accessibility by the media will serve to honor the open court principle. No one who is experiencing any COVID-19 related symptoms should attend the courthouses.

Effective immediately, the following measures are being taken by the courts, although these are subject to change as frequently as necessary:

Measures applicable to all levels of court

- The public is informed not to enter a courthouse unless a justice participant, a journalist or otherwise have business to be there. This, because of the extraordinary circumstances resulting from the COVID-19 emergency measures;

- Everyone is informed not to enter a courthouse if advised by Public Health, a doctor or the Department of Health website to self-isolate due to possible exposure to the Coronavirus (COVID-19) or if experiencing Coronavirus/COVID-19 symptoms;
- Persons with scheduled court appearances are being informed that, if they are advised to self-isolate due to possible exposure to the Coronavirus (COVID-19), they must not come to the courthouse in person. Instead, they are to immediately contact the appropriate court office to inform the Court that they have been advised not to attend and to follow any directions;
- Appropriate directions are being issued to judges and court personnel to self-isolate where appropriate and otherwise to take all precautionary measures not to contract the virus.

Measures applicable to the Court of Appeal

- All motions and status hearings will be heard as scheduled, but by telephone conference. Lawyers and self-represented parties are being contacted to provide them with call-in details;
- The appeals scheduled for Monday, March 16 through to Wednesday, March 18 are being adjourned while the Court tests measures that could allow appeals to be heard from remote locations; that is, from one's home office;
- Failing these measures, the appeals will be adjourned or perhaps heard by telephone with the consent of all parties;
- Any party claiming that the hearing of an appeal is urgent will be allowed to make a request to be heard by a single judge to determine if the appeal is indeed urgent;
- Request for adjournments will be entertained by telephone.

Measures applicable to the Court of Queen's Bench

- All jury trials scheduled are being adjourned until further notice;
- All matters scheduled before small claims adjudicators and case management masters are adjourned;
- All non-essential or non-urgent matters are being adjourned until further notice;
- Matters that may be considered in Chambers will continue uninterrupted;
- The offices of the Clerk of the Court of Queen's Bench will remain open at reduced capacity to allow for the filing of documents;
- The ability to file documents electronically is an option being considered urgently and further directives will follow;

- The following matters are deemed to be essential:

In the Family Division:

- Protective care hearings pursuant to Sections 37.1(4)(b) and 51(6) of the **Family Services Act**;
- Applications in regard to abused or neglected adults pursuant to Sections 37, 38, 39, and 40 of the **Family Services Act**;
- First Appearances in child protection matters pursuant to Section 51(1) of the **Family Services Act**;
- Matters pursuant to the **Intimate Partner Violence Act**; and
- Any other matter deemed urgent by the responsible judge.

In the Trial Division:

- All criminal matters where the accused is incarcerated;
- Injunctions or applications related to the COVID-19 pandemic; and
- Any other matter considered urgent by the responsible judge.

Measures applicable to the Provincial Court

- Until further notice, all trials and preliminary inquiries will be adjourned except for matters involving an Accused who is in-custody or a matter considered urgent by the presiding judge. Self-represented Accused who are scheduled for trial must appear in court on their scheduled date as otherwise, a warrant will be issued for their arrest. Accused who have symptoms related to COVID19 are asked to call the clerk's office prior to their scheduled trial date;
- Until further notice, plea court, judicial interim release hearings, judgements, warrant applications and applications to vary court orders or undertakings will proceed as scheduled except that judges will be urged to use video and audio technology where possible. Unrepresented accused who are required to appear in Provincial Court for a first appearance, an election, a plea, a judgement or a sentencing hearing can appear in Court (unless they have COVID-19 related symptoms) or by telephone. Accused who wish to appear by telephone are directed to communicate with the Provincial Court office prior to their scheduled appearance. Accused will be asked to confirm their contact information so that an audioconference can be scheduled with the Court;

- Elsipogtog Court is cancelled until March 30th, 2020;
- Management appearances with lawyers will continue via telephone conference. Management appearances for self-represented Accused are cancelled until further notice;
- Safety measures are in place to limit the number of individuals inside courtrooms, by encouraging appearances by counsel where possible, staggering appearances, rescheduling matters and making use of audio and videoconferencing when available and deemed appropriate by the presiding judge.