



NOTICE - COVID-19

Notice

Electronic Hearings

April 8, 2020

Background

Our democracy and the rule of law rest on certain fundamental principles. Open courts is one of them. While the courts must safeguard this principle, it is not without limits.

There is a difference between attending a courthouse to view court proceedings and accessing those same proceedings electronically. As the Canadian Bar Association has recognized: “Individuals may be deterred from accessing justice if it creates a risk that their private and confidential information will be freely and widely accessible.”

Electronic hearings (audioconferences or videoconferences) must not undermine access to justice, public confidence in the administration of justice or the rights and interests of those involved in the legal process.

Attendance at Electronic Hearings

Electronic hearings before the Alberta Court of Appeal are open to participants, their counsel and the accredited media which represents the public interest.

A Case Management Officer will resolve any question about who is entitled to participate in the electronic hearing.

Counsel and Self-Represented Litigants - The Court’s Registry will coordinate the attendance of counsel and self-represented litigants at the electronic hearing.

Media – Members of the accredited media may participate in the electronic hearing by contacting the appropriate Registry for instructions. The Court’s [Policy on the Use of Electronic Devices in Courtrooms](#) continues to apply.

Participants Represented by Counsel – Participants can view the electronic hearing at their lawyer’s office or by listening to the audio as arranged by their lawyer. However, lawyers must make their own arrangements for those participants whom they represent. The Registry is not able to coordinate the attendance of participant(s) in either format. Participants represented by counsel must not call directly into the audioconference nor access the URL numbers provided by the Court.

Non-Participants – At this time, given practical and logistical issues, the Court is not able to accommodate the attendance of non-participants in electronic hearings.

No Recording Undertaking of Non-Lawyer Participants

To avoid compromising the integrity of court proceedings, the Court requires that all non-lawyer participants in electronic hearings of the Court sign an Undertaking prohibiting recording and rebroadcasting of Court proceedings.

The Undertaking, which is attached, must be executed by all non-lawyer participants in Court proceedings in advance of the electronic hearing. This includes self-represented litigants.

This Undertaking is in addition to, not in replacement of, the Court’s [Policy on the Use of Electronic Devices in Courtrooms](#).



COURT OF APPEAL OF ALBERTA

Case Name: _____

Appeal No: _____

UNDERTAKING AND AGREEMENT OF NON-LAWYER

I am a non-lawyer participant in the above matter before the Alberta Court of Appeal. I understand the Court has restricted in-person hearings in light of the COVID-19 pandemic. I further understand that, in keeping with the open-court principle of Canada's justice system, I can participate in my appeal, application or motion by audioconference or videoconference.

To protect the integrity of Court proceedings, I undertake and agree not to record or rebroadcast in any manner the Court proceedings in which I participate. I acknowledge that if I breach this promise and agreement, I may be subject to legal sanction, including proceedings for civil contempt of court.

(print name)

(signature)

(date)

(indicate status: party/client/
self-represented)

(name of lawyer, if any)