

Alberta Court of Justice
Northern Region
Remote Appearance Practice Note
Effective: June 2, 2025

Application

This applies to Criminal matters, Youth, Family and Child Protection matters as well as Civil Claims in the Northern Region, including High Level, Peace River, High Prairie, Grande Prairie and circuit courts in Chateh, Ft. Vermilion, Fairview, Falher, Valleyview, Fox Creek, Slave Lake, Wabasca-Desmarais, and Red Earth Creek.

Introduction

1. This document as updated from time to time is intended to provide general guidance to participants as to what they may reasonably be expected in terms of the availability of remote appearances, and to set out the generally accepted practices in the region. Courtroom practice and procedure are fundamentally governed by judicial discretion in the context of legislation and precedent; this guideline is to advise participants of the general approach of Justices in this region and does not constitute authority on which participants may rely when arguing for or against a remote appearance by any participant.
2. Counsel in criminal matters are directed to the remote appearance provisions of the *Criminal Code*, including Section 715.21, which provides, “Except as otherwise provided in this *Act*, a person who appears at, participates in or presides at a proceeding shall do so in person.”
3. Counsel in *Family Law Act* matters are directed to Section 8 of Alberta Regulation 149/2005, which references remote appearances in such applications. Counsel in child protection proceedings are directed to Section 2 of Alberta Regulation 39/2002, governing practice and procedure before the Court.

General

4. All participants must attend in person for any matter where oral evidence is to be given or could reasonably be required. Further, while this document sets out the anticipated default approach to various types of appearances in the region, counsel must be prepared to justify a remote appearance by any participant for whom they are responsible if directed to do so by the Court and may receive direction for that participant to appear personally. The following are subject to the discretion of the presiding Justice, who may require a personal appearance or permit a remote appearance otherwise than as set out below.
5. All remote appearances are subject to technological availability; counsel or parties opting for remote appearances (when such are permitted) must acknowledge and consider the risks and ramifications of interruptions or delay in proceedings, or other potentially negative effects on a participant’s interests.
6. Counsel are to consider whether they can provide effective representation remotely in each case, which includes a consideration of the advisability of the client’s presence in Court, whether the matter is a summary conviction proceeding and whether a Designation of Counsel has been filed.
7. All participants appearing remotely are expected to appear by Webex or other audio-visual system approved by the Court, attired appropriately as for a court proceeding, with a professionally appropriate background, and using equipment that will provide good audio quality. In exceptional circumstances, the Court may permit attendance by telephone. Participants must review the Court’s Conduct Guide for Remote Appearances.
8. Counsel appearing remotely will attend at the commencement of proceedings. Late attendance may result in the matter being adjourned, or in civil and family matters, may result in the matter being determined.

Criminal (Adult and Youth) Docket and Case Management Office

9. Provincial Crown, duty counsel, NCSA and other court-assistance workers are expected to appear in person. Federal Crown and defence counsel may appear remotely in accordance with the remainder of this Practice Note.
10. Self-represented parties must attend the CMO in person; counsel may continue to appear remotely in the fashion directed by CMO staff from time to time.
11. Counsel appearing remotely will wait for their matters to be called, whether by the presiding Justice or the Clerk, and are expected to be available when their matter is called. Counsel are to contact the relevant base point in advance to determine the local method for calling their matter(s) forward if they wish to do so.
12. Defence counsel may appear remotely for brief matters including adjournments, informal applications and brief sentencing matters, whether or not a custodial disposition is expected, subject to points 4-6 above. Defence counsel should be present in person with respect to contested applications for judicial interim release, contested dispositions, any other matters that involve lengthy submissions, interpreters, or an accused attending in person with cognitive or mental health issues. Remote appearances in circumstances where personal attendance is required will only be permitted with leave of the Court and on notice to the Crown Prosecutors Office. Leave of the Court is to be obtained on notice to all parties by noon the business day prior to the docket appearance.
13. Accused persons to be sentenced on a summary matter when a custodial disposition is not anticipated may appear by counsel, who may appear remotely for that purpose, subject to points 4-6 above.
14. Accused persons to be sentenced when a custodial disposition is a reasonable possibility will appear in person, but counsel may appear remotely, subject to points 4-6 and 12 above.
15. Defence counsel may appear remotely for the sentencing of an accused person in custody, subject to points 4-6 and 12 above.

Criminal Trial or Preliminary Hearing

16. All participants will appear in person, subject to a pre-trial order or the discretion of the presiding Justice.
17. An application for the remote appearance of any hearing participant must be made on notice to all other parties, and well in advance of the hearing date; such applications are subject to the Criminal Division Rules.

Family Docket, *Child, Youth and Family Enhancement Act (CYFEA)* Docket

18. All participants are encouraged to appear in person whenever possible, particularly self-represented parties.
19. Counsel (for the Director or otherwise), Family Court Counsellors and NCSA workers are expected to appear in person, but may appear remotely, subject to points 4-6 above, provided they obtain leave from the Court, on notice to any other parties involved, by noon on the business day prior to Family Court Docket, and oral evidence is not anticipated.
20. Self-represented parties must seek permission to appear remotely from the Justice expected to be presiding by contacting the clerk at the relevant base point as far in advance of the scheduled docket appearance as possible. Compelling reasons for the remote appearance must be provided.

Civil Claims

21. All participants including legal counsel and agents are expected to appear in person unless leave of the Court has been obtained in advance to appear remotely. Leave of the Court will only be granted where such permission is sought on notice to all other parties and counsel.
22. Civil Pre-Trial Conferences will be conducted by telephone unless specifically stated otherwise.