



SOUTHERN REGION

REMOTE APPEARANCE PRACTICE NOTE

Effective May 30, 2022

Application

The following is the practice in the Southern Region and shall apply in all proceedings unless otherwise directed by the presiding Judge. It is applicable in Southern Region courts including Lethbridge, Medicine Hat, Fort Macleod, Pincher Creek, Cardston, Taber and Brooks.

1. General

- 1.1. For purposes of this practice note, virtual attendance means appearance by video.
- 1.2. Audio only or telephone attendance is not acceptable unless with leave of the court in exceptional circumstances.
- 1.3. 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 as for a court proceeding,
 - to have a professionally appropriate background, and
 - to use equipment that will provide good audio quality
- 1.4. **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.
- 1.5. 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.

- 1.6. All participants must attend in person for a proceeding in which oral testimony evidence is to be given.
- 1.7. Application for virtual appearance may be made:
 - in advance in court, either virtually or in person,
 - in advance by correspondence to the assigned judge or ACJ, or
 - virtually, on the date of scheduled court appearance before the presiding judge
- 1.8. Not all courtrooms are permanently equipped with audio visual equipment that would facilitate virtual appearances. It is the responsibility of the party applying for virtual appearance by themselves, witnesses or others to ensure that the necessary video equipment will be available in the scheduled courtroom. This can be done by filling out and submitting a [Courtroom Audiovisual Request Form](#) prior to the court sitting.
- 1.9. Also, see the Courts website regarding Protocol for [Booking Courtroom Technology for Remote Witness](#) and the [Form and Policy for Booking Audio Visual Equipment](#).

2. Criminal

- 2.1. Designation of Counsel (DOC) – should be filed by first court appearance or as soon thereafter as possible.
- 2.2. Case Management Office (CMO) - Remote attendance by telephone, Adjournment Digital Service (ADS) or Remote Court Scheduling (RCS)
- 2.3. Docket
 - 2.3.1. The primary Prosecutor and Duty Counsel will appear in person.
 - 2.3.2. Defence Counsel may appear virtually or in person for routine brief matters including adjournment and informal applications, and short dispositions of summary matters where a custodial sentence is not anticipated.
 - 2.3.3. Out-of-custody accused must attend in person where their attendance is required.
 - 2.3.4. In-custody accused will appear by CCTV.
 - 2.3.5. Advance application must be made for appearance in person
 - 2.3.6. 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 – in-person attendance by all participants.

2.5. Pre-trial Conference (PTC) – by teleconference. Exception: where 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") – all participants are to appear in person. Application must be made for virtual attendance.

2.7. Trial and Preliminary Inquiry – all participants are to appear in person. Application must be made for virtual appearance.

3. **Youth** – Same practice as for Adult Criminal.

4. **Family**

4.1. Docket - counsel, court caseworkers, and parties may appear virtually or in person for routine brief matters.

4.2. Pre-Trial Conference (PTC) – by teleconference.

4.3. Judicial Dispute Resolution (JDR) – virtual appearance (exception: Brooks, in person attendance is required).

4.4. Hearings and Trials - all participants must appear in person. Application must be made for virtual appearance.

5. **Child Protection**

5.1. Docket – counsel, caseworkers, and parties may appear virtually or in person for routine brief matters.

5.2. Apprehension application – in person unless the requirement of s. 19(5) of the CYFEA is met (impracticable to appear personally before a Judge).

5.3. Secure Services application – in person.

5.4. Initial Custody hearing – in person.

5.5. Pre-Trial Conference (PTC) – by teleconference. Exception: where a party is self-represented the PTC will occur in court on the record.

5.6. Judicial Dispute Resolution (JDR) - virtual attendance. Exception: where a party is self-represented the JDR will occur in person.

5.7. Hearings and Trials - all participants must appear in person. Application must be made for virtual appearance.

6. **Protection of Children Abusing Drugs Act (PCHAD) applications** – in person, unless the requirements of s. 4.2(1) the Act is met (showing good reason). Counsel may appear virtually or in person for reviews of confinement orders.

7. **Protection of Sexually Exploited Children Act (PSECA) applications** – in person, unless the requirements of s. 2 of the Act are met (impracticable to appear personally). Counsel may appear virtually or in person for reviews of confinement orders.

8. **Mental Health Act Warrant applications** – in person.

9. **Emergency Protection Order applications** – in person.

10. Civil

10.1. Docket – parties must attend in person. Application must be made for virtual appearance.

10.2. Pre-Trial Conferences – by teleconference.

10.3. Hearings and Trials - all participants must appear in person. Application must be made for virtual appearance.

11. Fatality Inquiries

11.1. Pre-inquiry Conference – virtual appearance.

11.2. Inquiry Hearing – in-person appearance is required. Application must be made for virtual appearance.

12. Traffic Court

12.1. Witnesses for trial proceedings in Traffic Court may attend virtually by Webex, or in person. This is subject to:

12.1.1. Direction by the Prosecution when the witness is called to give evidence for the prosecution, and

12.1.2. All witnesses' attendance is subject to direction by the presiding Justice of the Peace.