



Southern Region REMOTE APPEARANCE PRACTICE NOTE

Effective: May 30, 2022

Updated: June 26, 2024

Application:

The following is the practice in the Southern Region and shall apply in all proceedings unless otherwise directed by the presiding Justice. 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 and audio.
- 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 and audio,
 - 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 screen identification that includes their year of bar call preceding their surname.
- 1.5. In relation to all court appearances, the Justice 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 evidence is to be given.
- 1.7. Application for virtual appearance may be made:
 - In court in advance of the proceeding, either virtually or in person,
 - By correspondence in advance of the proceeding, directed to the assigned Justice or Assistant Chief Justice, or
 - In court, virtually, on the date of the scheduled court appearance before the presiding Justice
- 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 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) – appearances may be made by telephone, or adjournments may be obtained through the 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 for sentencing, other types of dispositions, or where their attendance may otherwise be required, unless with leave of the court

2.3.4. In custody accused will appear by CCTV.

2.3.5. Advance application must be made for in custody accused to appear 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,
- that will involve lengthy submissions,
- 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 Hearing – all participants are to appear in person. Application must be made for virtual appearance.

3. Youth – same practice as for Adult Criminal matters

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) – in person, or with advance leave of the court, by virtual appearance.

4.4 Hearings / 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 Child Youth and Family Enhancement Act is met (impracticable to appear personally before a Justice).

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) – in person, or with advance leave of the court, by virtual appearance.

5.7 Hearings / 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) of the Act are 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 requirement of s. 2 of the Act is 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 – in person, but counsel or parties may appear virtually upon request.

10.3 Hearings / 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. Provincial Offences / Traffic Court

12.1 Witnesses for trial proceedings may attend virtually or in person. This is subject to:

- Direction by the Prosecutor when the witness is called to give evidence for the prosecution,
and
- All witness attendance is subject to the direction of the presiding Justice or Justice of the Peace

