



Alberta Court of Justice

Northern Region Remote Appearance Practice Directive

Effective: June 6, 2022

Application

This applies to Criminal and Youth, Family and Child Protection, and Civil Claims in the Northern Region, including High Level, Peace River, High Prairie, Grande Prairie and circuit courts in Fairview, Fahler, Valleyview, Fox Creek, Slave Lake, WabascaDesmarais, and Red Earth Creek.

Introduction

1. This document is intended to provide general guidance to participants as to what they may reasonably expect 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 personally”.
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 of 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. 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.
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 or not the matter is a summary conviction proceeding or 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.

Criminal (Adult and Youth) Docket

8. Provincial Crown, duty counsel, NCSA and other court-assistance workers are expected to appear in person. Federal crown and defence counsel may appear remotely.
9. 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.
10. 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.

11. Defence counsel may appear remotely for sentencing, whether or not a custodial disposition is expected, subject to points 4-6 above.
12. 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.
13. 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 above.
14. Defence counsel may appear remotely for the sentencing of an accused person in custody, subject to points 4-6 above.

Criminal Trial or Preliminary Hearing

15. All participants will appear in person, subject to a pre-trial order or the discretion of the presiding Justice.
16. 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 and *Child, Youth and Family Enhancement Act (CYFEA)* Docket

17. All participants are encouraged to appear in person whenever possible, particularly self-represented parties.
18. Counsel (for the Director or otherwise), Family Court Counsellors and NCSA workers may appear remotely, subject to points 4-6 above, provided oral evidence on any matter is not anticipated.
19. 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.

Family Hearings, *Child, Youth and Family Enhancement Act (CYFEA)* Hearings, and Civil Hearings

20. All participants will appear in person, subject to a pre-hearing order or the discretion of the presiding Justice.
21. 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.

Pre-Trial Conferences and JDRs

22. Pre-Trial Conferences will generally be remote, in the accordance with the practices developed pre-COVID.
23. JDRs with personal attendance are preferred; participants may apply, well in advance and on notice to all other parties, for leave to participate remotely. Such applications will be made by contacting the Northern Judicial Assistants.

Other Applications

24. Applications under the *Protection of Children Abusing Drugs Act (PChAD)*, *Protection of Sexually Exploited Children Act (PSECA)*, Mental Health Act, and Emergency Protection Orders will be made in person unless the requirements allowing for remote appearances in each of the Acts is satisfied or at the direction of the presiding Justice.
25. Fatality Inquiries will be held in person unless an application is made for remote appearance. Pre-Inquiry conferences will be remote unless otherwise directed by the presiding Justice.

Contacts

Northern Region Judicial Assistants: (780) 833-4950 or (780) 538-8099
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Grande Prairie (*for circuit appearances in Valleyview and Fox Creek*):
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Peace River *(for circuit appearances in Peace River, Falher, Fairview):*

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High Level *(for circuit appearances in High Level, Chateh, Ft. Vermilion):*

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High Prairie *(for circuit appearances in High Prairie, Red Earth Creek, Slave Lake and Wabasca-Desmarais):*

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