



COVID-19: FREQUENTLY ASKED QUESTIONS RE: MATTERS IN THE SUPREME COURT (GENERAL DIVISION)

4th Edition – Wednesday, May 27, 2020

In March 2020, the Nova Scotia Supreme Court moved to an essential services model to respond to the evolving situation with the COVID-19 pandemic. Proceedings were limited to urgent and essential matters, as determined by a judge. Filings related to those urgent and essential matters were done electronically, unless a judge directed otherwise. Until further notice, paper copies of documents would not be accepted at courthouses.

A month later, in April 2020, the Supreme Court was able to move to a modified essential services model. The Court began to accept certain non-urgent matters, as outlined in the [April 21, 2020, directive](#). General Chambers resumed remotely in Halifax as Telechambers (see the [April 29, 2020, directive](#)). However, in-person hearings across the province were still limited to urgent or essential matters only.

Now, more than two months into this global pandemic, the situation continues to evolve. As such, effective June 15, 2020, the Supreme Court will begin to move away from its modified essential services model and transition to a safety services model. That means counsel and parties will no longer have to establish that a matter is urgent or essential to proceed. An increased number of in-person hearings will be permitted, provided they can be conducted safely and in accordance with established protocols to protect against the spread of the COVID-19 virus.

We know that many of you will have questions concerning how the new safety services model will work. We have endeavoured to answer these questions below. We will update this document regularly as more questions arise.

This document should be read in conjunction with the previous three editions of Frequently Asked Questions, as well as the various directives issued by the Supreme Court in relation to COVID-19, all of which are posted on the Courts' website at https://www.courts.ns.ca/News_of_Courts/COVID19_Preventative_Measures.htm.

Thank you.

Deborah K. Smith
Chief Justice of the Nova Scotia Supreme Court

Q/ How is the Supreme Court preparing to move to a safety services model?

The Nova Scotia Judiciary has struck a Court Recovery Committee to identify, assess and mitigate potential risks associated with COVID-19, as the Courts begin to expand the services available during the pandemic. The Committee, chaired by Supreme Court Justice Darlene Jamieson, is composed of judges representing each level of Court, as well as representatives from the Nova Scotia Department of Justice Court Services Division, which includes Sheriff Services, and the Facilities Manager of the Department of Justice. The Committee's work will be guided by advice from an Occupational Health and Safety (OHS) consultant, public health experts, and other disciplines, as needed.

The Committee will develop guidelines and protocols to help protect the health and safety of those working in and attending courthouses, with a specific focus on preventing the introduction and spread of COVID-19. Physical distancing will be the cornerstone of the plan, along with disinfecting procedures and good hand hygiene. These practises, combined with key engineering, administrative and personal interventions, will help reduce and mitigate risks.

Q/ What will the Committee do to ensure that public health guidelines are respected as court operations resume?

The Committee is undertaking a detailed assessment of every courtroom in the province to determine what modifications are necessary for each space, from a social distancing perspective, before they are deemed safe for in-person hearings.

Among other things, the Committee's work will also include:

- Developing guidelines for the use of personal protective equipment (PPE);
- Developing sanitizing protocols for enhanced cleaning of courthouses and courtrooms (i.e. sanitizing witness boxes between witnesses);
- Establishing sanitizing stations at appropriate locations in courthouses;
- Installing signage to assist in designating the safe use of courthouse spaces, including elevators, hallways, bathrooms, interview rooms, and copy rooms; and
- Assessing courtroom procedures to determine how best to maintain social distancing and other public health protocols.

Q/ How will the Bar be informed of the Committee's ongoing work?

The Court Recovery Committee will discuss its work with the Bar through representatives from the various professional organizations and groups representing lawyers across Nova Scotia. Initial discussions will take place shortly.

Q/ Does this mean that the Supreme Court will resume normal operations?

No. This is the first step towards the Court's new normal. While in-person proceedings will be an option for all types of matters starting June 15, 2020, non-urgent in-person proceedings will only take place when the necessary safety protocols are in place. Some courtrooms will not be appropriate for any in-person hearings due to their size. Only so many courtrooms will be in use at once in a courthouse due to limits caused by the need for social distancing. That means some matters will still need to proceed virtually or be adjourned until such time that they can proceed safely.

The reality is also that our present court facilities will not permit some types of proceedings to be heard during the pandemic. One such example is jury trials. As per the [May 11, 2020, directive](#), the Court has extended the suspension of all jury trials in Nova Scotia until Sept. 8, 2020. In the meantime, the Court Recovery Committee has formed a sub-committee tasked with locating and developing off-site facilities capable of safely handling jury selections and jury trials.

Q/ Are there any other changes going into effect on June 15, 2020?

Yes. Effective June 15, 2020, the Supreme Court will return to its normal processes for filing court documents. That means courthouses will no longer accept electronic filings for Supreme Court matters; counsel and parties will be expected to file paper copies of documents at courthouses. Filings will be done at drop boxes at courthouse doors, rather than at the front counters.

With this change, the Court expects to start receiving large volumes of paper filings. However, the courthouses are still working with reduced staff. Counsel are asked to keep these limitations in mind and stagger their filings, whenever possible. **PLEASE DO NOT FILE LARGE VOLUMES OF PAPER AT ONCE.**

As well, counsel should expect some delays in processing paperwork filed with the Court. All documents will be date-stamped the day they are delivered to the court. Date-stamped copies will be provided to counsel in due course (not the date that they were filed).

Q/ Will I be able to continue to filing documents electronically after June 15, 2020?

No. The Courts do not have a document management system. Accordingly, electronic filing will not be permitted after June 15, 2020.

The Judiciary recognizes the benefits of a proper document management system and will be working with the provincial government to try to implement such a system in the future.

Q/ Will virtual court hearings continue to be an option under the safety services model?

Absolutely. The Court expects that several of our courtrooms across the province will be too small for social distancing. In addition, only so many matters will be able to be held in-person at once in a courthouse due to the requirement for social distancing. Accordingly, virtual court options will be an important part of our pandemic recovery plan in the coming months and likely into 2021. We encourage counsel to consider and use virtual court, whenever possible.

Q/ How is the Court going to handle the backlog of cases that has developed since the pandemic began?

District judges will manage their backlog individually. In Halifax, all criminal trials (except for jury trials) which were adjourned due to the pandemic are being rebooked this month for future dates. In June, civil matters that were adjourned will be rebooked to future dates. We hope to be able to start booking new matters again starting in July 2020.

Counsel who have a General Chambers or Appearance Day matter or a DAC or Motion for Directions that was adjourned due to the pandemic, please contact the scheduling office to rebook. Please note that no DAC's or Motions for Directions will be rescheduled to be heard before July 2020.

If you have a Special Time Chambers matter, a hearing or a trial that was adjourned due to the pandemic, the scheduling office will contact you in June to reschedule the matter.

Q/ I have a case that is scheduled to be heard in June 2020. Will it be bumped to accommodate the hearing of a case that was adjourned as a result of the pandemic?

No. The Supreme Court will not be bumping cases to accommodate other cases that had to be adjourned due to the pandemic. If you have a case that is scheduled to be heard in June, the trial judge will be in contact with you to discuss whether the hearing is able to proceed safely, as scheduled.

Q/ How can counsel help deal with the backlog?

The reality is, until a vaccine is developed and widely available, our ability to serve Nova Scotians is going to be affected. The Court is encouraging counsel to review their files (both civil and criminal) for the rest of the 2020 year to see if a settlement conference or resolution conference would assist in bringing the matter to a conclusion. Every case that can be settled without a court hearing is one less in the queue waiting to be heard.

Q/ Will filing deadlines continue to be suspended for civil and family matters in the General Division?

Yes. A notice will go out to the Bar and will be posted on the Courts' website when the suspension of filing deadlines has been lifted.

Q/ Will courthouses be open to the public again on June 15, 2020?

While we need to expand the services offered to the public, we recognize that the fewer people in the courthouses, the better, from a safety perspective. For this reason, only those individuals who work in the building, who are participating in a proceeding or who have an appointment will be permitted in courthouses.

Sheriffs Officers will continue to screen individuals who wish to enter courthouses. No one should enter a courthouse if they feel unwell and are exhibiting any of the symptoms of COVID-19, as identified by public health officials.

Q/ If I have a question relating to the safety services model, who do I contact?

The next meeting of the Supreme Court Bench-Bar Liaison Committee will take place on at 4:30 p.m. on Wednesday, June 10, 2020. The sole agenda item is the COVID-19 pandemic. If you have questions that you would like answered, please contact one of the following Bar representatives on this Committee:

Bob Carter, Q.C. (co-chair)
John Nisbet
Bryna Hatt
Geoff Newton
David Hutt
Mark Rieksts
Rob Pineo
Michelle Kelly
Angela Caseley
Karen Bennett-Clayton
Matthew Moir

Members of the Judiciary will be in attendance to answer any questions that are raised.

Q/ When can we expect further updates?

Further updates will be communicated publicly. All public notices from the Nova Scotia Courts will be shared via social media on the Courts' Twitter feed and posted on the Courts' COVID-19 updates page at https://www.courts.ns.ca/News_of_Courts/COVID19_Preventative_Measures.htm.

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