



Northwest Territories Courts

Denise Bertolini, Courts Administrator

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TO: All Members of the Law Society of the Northwest Territories
Public Prosecution Service Canada
Legal Aid Commission of the NWT
City of Yellowknife
Media outlets

COVID 19 Response: Directives regarding Supreme Court Proceedings

Since March 2020, the Supreme Court of the Northwest Territories has issued directives to respond to the COVID-19 crisis. The Court has continued hearing cases as much as possible and has adjusted its directives and practices, over time, to comply with public health orders and ensure everyone's safety.

Many of the restrictions and orders that had been previously issued by the Chief Public Health Officer were lifted earlier this month. The Minister of Health has also announced that the declaration of a public health emergency will be lifted on April 1st, 2022.

In anticipation and hope that the situation will remain stable in the coming weeks and months, the Supreme Court is planning its return to its normal practices and processes.

Criminal Matters

a) Court hearings

Effective May 2nd, 2022, hearings in criminal matters will return to in-person proceedings. Counsel and accused persons who are required to appear will be expected to appear in person. Applications to appear by telephone or videoconference must be made well in advance of the appearance date and must include an explanation as to why the request is being made.

Accused persons who are in custody will be brought before the Court to appear in person for pre-trial motions, trials, and sentencing hearings. For other types of appearances, they may appear by videoconference. In all cases, it is counsel's responsibility to ensure that the necessary orders are obtained in a timely fashion, in accordance with the *Rules of Court*.

b) List Scheduling

For the May 6th List scheduling and subsequent dates when the Supreme Court and Court of Appeal pending lists are called, counsel with pending matters are to appear in person or send an agent; counsel may also request leave to appear by telephone but must make the request no less than 48 hours before the date when the lists are to be called and set out why the request is being made.

c) Pre-Trial Conferences

All pre-trial conferences with counsel will continue to be held by teleconference unless counsel request that it take place in person. Pre-trial conferences with self-represented accused will continue to take place in a courtroom, on the record, and in person.

Family and Civil matters

Effective May 2nd, 2022, all hearings in family and civil matters, including regular Family and Civil chambers, will return to in-person proceedings.

The presiding judge may grant leave to counsel or a party to appear by telephone. Requests to do so are to be made in writing to the Clerk of the Court no less than 3 days in advance of the hearing, in accordance with Rule 389 of the *Rules of Court*.

Access to the Courtrooms

Subject to each courtroom's space capacity, and subject to any order made in a specific case, no restrictions are in effect as to the number of persons who can access the courtrooms.

Masking

Until further notice, masking will continue to be required in the courtrooms and public courthouse spaces. Masks may be removed by anyone who is addressing the Court as part of the proceedings. The Court will continue to assess the situation to determine when this requirement will be lifted.

If there are any questions, please feel free to contact me.

Thank you.



Denise Bertolini
Courts Administrator