



COVID-19 HEARING DIRECTIVES
SUPREME COURT OF PRINCE EDWARD ISLAND
JUNE 19, 2020

1. Protocols are in place regarding persons entering the court (including inquiries related to symptoms of Covid-19 and/or travel).
2. Persons exhibiting symptoms consistent with Covid-19 set out by the Chief Public Health Office of Prince Edward Island are not to attend court, unless the presiding judge directs otherwise. If an individual is required to attend court but is exhibiting symptoms of Covid-19, the clerk will be notified immediately and the presiding judge will give further direction.
3. Persons entering court facilities will be required to provide their name and contact information.
4. The sheriffs will be responsible for directing all movement within the court and seating all persons attending court so as to ensure appropriate physical distancing.
5. Consistent with the guidance from the Chief Public Health Office, each hearing shall proceed with the minimum number of persons required for the proceeding. The number of individuals permitted in a specific courtroom for a specific hearing will ultimately be determined by the presiding judge.
6. The hearing judge may schedule a pre-hearing case management telephone conference call with the parties/counsel in advance of the hearing to address Covid-19-related matters and directives.
7. Physical distancing is to be respected by all participants. Disposable masks (non-medical) will be available in the courtroom for use by participants (particularly when social distancing cannot be maintained). Participants will be permitted to use their own masks.
8. Witnesses will not be permitted to wear masks while testifying, without leave of the presiding judge. Plexiglass has been installed around the witness boxes.
9. Only lead counsel is to be at counsel table. Leave of the presiding judge is required for any additional individuals (including clients) to sit at counsel table. On occasions where the presiding judge grants leave, the wearing of masks is encouraged. The manner in which counsel may obtain instructions from clients during the course of the hearing will be determined by the presiding judge.

10. If documents are to be tendered during the course of the hearing, the parties/counsel are to ensure that sufficient numbers of copies are prepared in advance in order that all participants (presiding judge, lawyers, parties and relevant witnesses) may each have their own set of copies to work from. Counsel are strongly encouraged to exchange all documents before the hearing to minimize the need to physically share documents.
11. Parties who intend to use demonstrative items (i.e., maps, diagrams or photographs) are to ensure that they are sufficiently large so as to be visible by all participants in the courtroom, and to reduce the need for counsel and parties to congregate around the item.
12. Whenever a document is handled by more than one person, the participants touching the document should disinfect their hands both before handling the document and immediately after handling the document. The individuals receiving the document should likewise immediately disinfect their hands upon receiving the document. This process should be repeated each time a participant comes in contact with a new document.
13. Exhibits and other documents are to be placed in a designated area in the courtroom, as directed by the clerk or the presiding judge.
14. Hand sanitizers have been placed throughout the facilities including at counsel tables and the witness box.
15. The water jugs are to be handled by the clerk only.
16. The court will recess briefly after each witness to allow an opportunity for cleaning of the witness box area.
17. Persons are to adhere to the signage and other directives within the court facilities including instructions related to seating areas.
18. Matters will be staggered so as to allow a period of time for cleaning of the courtrooms between matters. The time limits set for a specific proceeding will be strictly adhered to.
19. Parties and counsel are requested to exit the courtrooms and the courthouse following their matter so as to minimize the number of individuals in the court facilities and to allow time for cleaning between proceedings.
20. Individuals preferring to attend a proceeding remotely (for example, due to underlying health concerns) are to make such requests to the clerk. All such requests will be determined by the presiding judge. Any such request must be made on a timely basis, including to ensure appropriate resources and logistical requirements.

These directives are subject to change, including on the advice of the Chief Public Health Office and in response to the evolution of the Covid-19 pandemic. All directives will be posted on the Supreme Court's website and also made available to the Law Society.

**Tracey Clements, Chief Justice
Supreme Court of Prince Edward Island**



**Updated Notice to the Profession, the Public and the Media regarding court operations
– COVID – 19
Supreme Court of Prince Edward Island
Updated June 3, 2020 (update to Notices of March 18, March 24, April 7 and May 12, 2020)**

In March 2020, the Supreme Court of Prince Edward Island suspended regular operations due to the COVID - 19 pandemic. Proceedings were limited to urgent, emergency or essential matters. This suspension of regular operations continued until the end of May.

In mid-May, with the easing of some restrictions related to COVID - 19, the court expanded its operations, and proceeded with case management conference calls. Recently, the court has also scheduled pre-motion conferences, pre-trial conferences, and settlement conferences (many of which are proceeding with the use of technology).

Effective June 15, 2020, the court will no longer be in the "urgent, emergency, or essential services" model. As such, parties will no longer have to establish a matter is urgent, an emergency or essential in order to proceed. In-person hearings will be scheduled, provided the hearings can be conducted in accordance with established protocols to address COVID - 19. The court will continue to explore with counsel and the parties the option of utilizing technology to conduct hearings.

Court staff continue to encourage use of the drop box for filings. Filing in accordance with Practice Direction 46 (e-filing or filing by fax), remain as options.

The court will be issuing directives related to in-person hearings, which may continue to be modified. These will be posted on the court's website.

Further updated notices will also be posted on the court's website.

Once again, thank you to everyone for your continued patience and cooperation.

Tracey L. Clements
Chief Justice - Supreme Court of Prince Edward Island



**Updated Notice to the Profession, the Public and the Media regarding court operations
- COVID - 19
Supreme Court of Prince Edward Island
Updated May 12, 2020 (update to Notices of March 18, March 24 and April 7, 2020)**

On March 18, the Supreme Court suspended regular operations due to the COVID -19 pandemic. Since that time, the Court has only heard urgent, emergency or essential matters. On April 7, the Court suspended regular operations to the end of May.

With the easing of some restrictions related to COVID - 19, the Court will be expanding services in the coming weeks. The bulk of these matters will be facilitated by teleconference or videoconference technology.

The Court will be conducting case management conference calls (for those calls that did not proceed due to the pandemic), starting the week of May 19. The Court will be communicating immediately with parties to advise of the date for the re-scheduled case management conference call. These calls will be by telephone.

The Court will also be conducting family pre-motion conferences (for those pre-motions that did not proceed due to the pandemic), starting the week of June 1. The Court will be communicating with parties to advise of the date for the re-scheduled pre-motion conference. Given current recommendations of the Chief Public Health Office, these pre-motion conferences will be held using technology wherever possible.

The Court will also be scheduling calls with parties in relation to pre-trial conferences and settlement conferences that did not proceed due to the pandemic, with a view to exploring alternatives to having such conferences proceed by utilizing technology.

The Court will continue to hear urgent, emergency or essential matters, in accordance with the process outlined in the Prothonotary's Notice of April 1, 2020. The Court is not fully resuming regular operations, and at this point the Court is not scheduling in-person hearings (other than as specifically directed by the Court). The status of the Court's operations will be assessed on an ongoing basis and updates will be posted on the Court's website.

The complement of the Court's staff is increasing, and as such parties are welcome to proceed with filings. Court staff welcome, and encourage, use of the drop box for filings. Filing in accordance with Practice Direction 46 (e-filing or filing by fax) remain as options.

The Court continues to appreciate the patience and cooperation of all.

Chief Justice Tracey L. Clements
Supreme Court of Prince Edward Island



Updated Notice to the Profession, the Public and the Media regarding court operations - COVID - 19

Prince Edward Island Court of Appeal and Supreme Court of Prince Edward Island

Updated April 7, 2020 (update to Messages of March 18 and March 24, 2020)

The Courts continue to take all steps directed by the Public Health Emergency to contain community spread. The Courts remain accessible, for urgent, emergency or essential matters, and mostly by audio and video means.

Supreme Court

On March 18, the Supreme Court suspended regular operations, due to the COVID - 19 pandemic. Since that time, the Court has only heard urgent, emergency or essential matters.

While it is impossible to predict when the Court will be in a position to resume regular operations, in all likelihood it will not be for some time. Between now and the end of May, the Supreme Court will not be hearing any matters (other than urgent, emergency or essential). This includes previously scheduled case management conference calls, pre-motion conferences, settlement conferences, pre-trial conferences and trials. The Court will continue to hear urgent, emergency or essential matters, in accordance with the process outlined in the Prothonotary's Notice of April 1, 2020. The status of the Court's operations will be assessed on an ongoing basis.

The Court continues to operate with a skeleton staff, including for filing purposes. Everyone is reminded to only file documents that are necessary to be filed, for example, documents related to matters that have been deemed by the triage process to be urgent, emergency or essential, or documents required to comply with filing deadlines or limitation periods. In addition, with a view to respecting the directions of the Chief Public Health Officer and social distancing, everyone is reminded of the availability of e-filing and filing by fax, as set out in Practice Direction 46 dated March 20, 2020.

Court of Appeal

Between now and the end of May, no new appeals will be scheduled, except regarding appeals or motions assessed by the Court to be urgent, essential or emergency. Regarding appeals for which pre-hearing filings were complete before March 13th and were scheduled to be heard between now and the end of May, a pre-hearing telephone conference will be arranged to explore the potential of a hearing by telephone or video or a decision based on the written facts alone.

The judiciary and court staff continue to appreciate the cooperation of all as we continue to deal with this pandemic.

Chief Justice David H. Jenkins
Prince Edward Island Court of Appeal

Chief Justice Tracey L. Clements
Supreme Court of Prince Edward Island



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Chief Justice David H. Jenkins
Prince Edward Island Court of Appeal

Chief Justice Tracey L. Clements
Supreme Court of Prince Edward Island



COVID-19 PUBLIC HEALTH EMERGENCY

Message from the Chief Justice of Prince Edward Island and Chief Justice
of the Supreme Court of Prince Edward Island

Due to the presence of the 2019 novel coronavirus (Covid-19) on Prince Edward Island, the P.E.I. courts are taking all steps directed by the Public Health Emergency to contain community spread.

The Courts remain accessible. However, in order to protect the health of members of the public and court staff, court services are presently minimized. Only urgent and emergency hearings and document filing can occur. Use of technology is being maximized. In-person attendances are reduced to "as necessary" only. Individuals are requested to use the courts' electronic services and refrain from coming to a courthouse in person except when necessary.

Our public courts are an essential public service. Courts cannot close. As the third branch of government, access by members of the public to an independent and impartial judiciary is vital to our Canadian democracy. This is especially important in the presence of a public health emergency. Therefore, continuity of service is being maintained and is assured. The courts remain open for urgent or essential court matters; however, subject to strict measures to minimize in-person attendances. When a required personal attendance does occur, the social distancing of two meters must be respected.

Minimize in-person contact

All members of the public are expected to follow the directions of the Chief Public Health Office. Any person who is subject to self-isolation or quarantine or is experiencing possible coronavirus/COVID-19 symptoms must not personally attend any courthouse.

Most court proceedings are adjourned

Individuals with matters scheduled before a court should contact their lawyer. If an individual does not have lawyer, contact court staff to seek directions prior to attending court facilities.

All in-person court appearances, other than for urgent or emergency matters, are suspended until further notice.

Urgent matters will continue to be heard, using technology in a manner determined appropriate by the court, including hearings by way of telephone or video appearance.

Filing court documents

On a very limited basis, lawyers and parties may continue to file documents at the courthouses. Personal filing through the courts' drop box system is limited to urgent or necessary documents to meet a required time line, or other documents that reasonably necessitate in-person filing. All other document filing should be by email at scfiling@courts.pe.ca. Further directions are on the Courts' website www.courts.pe.ca or contact the Registrar at (902) 368-6669.

Questions about court appearances

Individuals who have questions about court appearances should first contact their lawyer. If an individual does not have a lawyer, or if further information is required, they should contact the following:

Prince Edward Island Court of Appeal: 902-368-6024

Supreme Court of Prince Edward Island: 902-368-6023

In closing

A public health emergency can test our fundamental institutions. These are early days of this Covid-19 pandemic. We are confident that by diligently adhering to the Chief Public Health Office directives the courts can maintain urgent and essential court services, and we will be able to meet the challenges that will arise.

Chief Justice David H. Jenkins
Prince Edward Island Court of Appeal

Chief Justice Tracey L. Clements
Supreme Court of Prince Edward Island

March 24, 2020



**Updated Notice to the Profession, the Public and the Media regarding
Coronavirus/COVID-19**

**Prince Edward Island Court of Appeal and
Supreme Court of Prince Edward Island**

March 18, 2020 (updated from March 16, 2020)

This notice is an update to the notice issued on March 16, 2020.

The situation continues to change rapidly, including the province's declaration of a public health emergency pursuant to the *Public Health Act*. In addition, the province has moved to reduce operations to essential services along with a direction that staff not required for essential operations are to work from home. Public access to the courthouses in the province is limited accordingly.

Individuals wishing to attend the courthouses for court proceedings should first contact the applicable court at the number below **prior to attending court**.

The Charlottetown and Summerside courthouses remain open for filing of documents, but with added safety precautions and restrictions in place. Filing by fax in accordance with the *Civil Procedure Rules* is preferred and encouraged. Questions related to court filings are directed to the Registrar and Prothonotary Krista J. MacKay Q.C. at 902-368-6669.

Given the move to essential services, effective immediately, non-essential matters, including previously scheduled case management conference calls, pre-motion conferences, settlement conferences, pre-trial conferences and trials (including Small Claims trials) are adjourned.

Urgent or emergency matters will continue to be heard, in a manner and forum determined by the court.

All members of the public are expected to follow the recommendations and advisories of the Chief Public Health Office.

Individuals who have questions about court appearances or matters should first contact their legal counsel. If individuals do not have legal counsel, or if further information is required, they should contact the following:

Prince Edward Island Court of Appeal: 902-368-6024
Supreme Court of Prince Edward Island: 902-368-6023

We appreciate the patience, cooperation and flexibility of all as we continue to navigate these rapidly changing times.

Chief Justice David H. Jenkins
Prince Edward Island Court of Appeal

Chief Justice Tracey L. Clements
Supreme Court of Prince Edward Island



Notice to the Profession, the Public and the Media regarding Criminal, Civil and Family Proceedings

Prince Edward Island Court of Appeal, Supreme Court and Provincial Court

March 16, 2020

In order to protect the health and safety of all court users and to help contain the spread of the 2019 novel coronavirus (COVID-19), the Prince Edward Island courts are taking immediate steps. Essential public service is being maintained.

Measures applicable to all courts

All members of the public are expected to follow the recommendations and advisories of the Chief Public Health Office. Members of the public subject to self-isolation, or those experiencing possible coronavirus/COVID-19 symptoms are not to personally attend any courthouse.

Individuals with matters scheduled before the courts should contact their counsel or, if they do not have counsel, contact court staff to seek directions **prior to attending court facilities**.

Measures applicable to the Supreme Court and Court of Appeal

All in-person court appearances and matters, other than for urgent or emergency matters, are suspended until further notice.

Urgent matters will continue to be heard, in a manner and forum to be determined by the court (including for example the potential of hearings by way of telephone or video appearances).

The current telephone case management structure will continue namely, case management conference calls will continue as scheduled.

Previously scheduled in-person motions, pre-motion conferences, settlement conferences and pre-trial conferences will not proceed with in-person attendances. Where appropriate and where feasible, motions, pre-motion conferences, settlement conferences and pre-trial conferences will proceed by alternative means, most likely by telephone.

At this stage, parties may continue to file documents at the courthouses. Options are also being explored for alternative means for filing documents. Arrangements are in place to ensure compliance with the recommendations and advisories of the Chief Public Health Office regarding social distancing.

Individuals who have questions about court appearances or court filings should first contact their legal counsel. If individuals do not have legal counsel, or if further information is required, they should contact the following:

Prince Edward Island Court of Appeal: 902-368-6024
Supreme Court of Prince Edward Island: 902-368-6023

Measures applicable to the Provincial Court

Provincial Courts in the province will remain open and will operate in a manner which complies with the social distancing practices recommended by the Chief Public Health Office.

Access to the courts will be limited to only those who need to be present in the courthouse. Any person exhibiting signs of illness or who is required to self-isolate should advise their lawyer or court staff for direction on how to proceed.

The protocols in Provincial Courts could vary from court to court and from day to day depending on circumstances. Please call the following numbers with any questions:

Provincial Court - Charlottetown 902-368-6693

Provincial Court - Summerside 902-888-8190

Provincial Court - Georgetown 902-652-8990

We appreciate the patience, cooperation and flexibility of all as we navigate these rapidly changing times.

Chief Justice David H. Jenkins
Prince Edward Island Court of Appeal

Chief Justice Tracey L. Clements
Supreme Court of Prince Edward Island

Chief Judge Nancy K. Orr
Provincial Court of Prince Edward Island