



## CASE MANAGEMENT OFFICE AND OUT OF CUSTODY DOCKET COURT

### COURT RESUMPTION PROTOCOL

---

**Effective: June 29, 2020**

#### **Purpose:**

The purpose of this protocol is to create a process that allows counsel and self-represented litigants to address matters at Case Management Offices (CMO) including those matters that have been presumptively adjourned due to the Court's Pandemic Plan as well as new matters arising after July 3, 2020. For the purpose of this protocol, a "self-represented litigant" is any person who has a charge before the Court who does not yet have a lawyer to represent them.

This protocol also creates a process that permits counsel and self-represented litigants to address their matters that have been presumptively adjourned, as well as new matters arising after July 3, 2020, in all other court locations that do not have a CMO service available.

Commencing June 29, 2020, for those matters scheduled at a CMO or in a docket court on any date after July 3<sup>rd</sup>, 2020, counsel and self-represented litigants will be able to address their matters by remote appearance.

For court locations in the province that have a CMO service, counsel and self-represented litigants will be required to address their matters by remote appearance only. **There will be no in-person attendance permitted at CMO locations.**

**For Court locations that do not have a CMO service there will be no in-person attendance permitted unless prior approval of the court has been obtained.**

#### **Procedure:**

##### **Counsel Matters:**

1. Counsel will be permitted to address matters scheduled at the CMO beginning 14 days prior to the scheduled appearance.

2. Counsel will be required to utilize Remote Court Scheduling (RCS), email or telephone in order to address their matters in accordance with local CMO practices. If there are circumstances that require the matter to be spoken to before a Judge, counsel will be advised by email or telephone and a date will be fixed for the matter to return in court.
3. Those locations without CMOs will follow regional practices in accordance with existing local protocols.

**Self-Represented litigants:**

1. Self-represented litigants who are out of custody will also address their matters remotely.
2. Self-represented litigants are strongly encouraged to contact a free Legal Aid Duty Counsel lawyer for assistance in advance of the day of the scheduled CMO appearance or, where no CMO exists, the in-person docket appearance.
3. Beginning 14 days prior and up to and including the day before the scheduled CMO or docket court appearance, a self-represented litigant may contact Duty Counsel at 1-866-845-3425. Monday to Friday between 8:00 a.m. and 12:00 p.m. for advance assistance.
4. Duty counsel will be able to provide the following assistance:
  - a. Preliminary legal advice;
  - b. Information regarding how to apply for legal aid if needed;
  - c. Information about how to obtain disclosure from the Crown Prosecution Service;
  - d. Obtain a position on sentence from the relevant Crown Prosecution Service should the matter be resolved by way of a guilty plea;
  - e. **Appear on behalf of the self- represented litigant for the scheduled court appearance.**
5. Self-represented litigants who choose not to contact Duty Counsel will be able to address their matter by telephone or by email on the day of the scheduled court appearance by contacting the relevant CMO or court office.
6. If there are circumstances that require the matter to be spoken to before a Judge, the self-represented litigant will be advised and a date will be set for the matter to return in court.
7. Should a self-represented litigant fail to address their matter on or before the scheduled court appearance either through duty-counsel or by contacting the relevant CMO/court office directly, an arrest warrant will likely be issued.