



EDMONTON REGION

REMOTE APPEARANCE PRACTICE NOTE

Effective June 6, 2022

Application

This practice note is effective June 6, 2022 and applies to Criminal, Civil and Youth, Family and Child Protection matters, except Youth, Family and Child Protection matters in Fort Saskatchewan, Leduc, Sherwood Park, Fort McMurray, St. Albert and Stony Plain, which are governed by the [Edmonton Family and Youth Remote Appearance Practice Directive](#).

1. Introduction

1.1. Section 715.21 and 715.22 of the Criminal Codes state as follows:

Attendance

715.21 Except as otherwise provided in this Act, a person who appears at, participates in or presides at a proceeding shall do so personally.

Provisions providing for audioconference or videoconference

715.22 The purpose of the provision of this Act that allow a person to appear at, participate in or preside at a proceeding by audioconference or videoconference, in accordance with the rules of court, is to serve the proper administration of justice, including by ensuring fair and efficient proceedings and enhancing access to justice.

1.2. Counsel in Family Law Act matters are directed to s. 8 of Alberta Regulation 149/2005, which references remote appearances in such applications. Counsel in child protection proceedings are directed to s. 2 of Alberta Regulation 39/2002, governing practice and procedure before the Court

1.3. This document is the remote appearance practice directive for participants appearing in courts in the Edmonton Region.

2. General

2.1. For the purposes of this practice note, remote attendance means appearance by video via Webex or other audio-visual system approved by the Court.

2.2. Where appearing remotely, counsel are expected to follow the Conduct Guide for Remote appearances, including:

- To be properly attired as for court proceedings
- To have a professional appropriate background
- To use equipment that will provide good audio quality
- To use a screen identification that includes year of bar call before the surname.

2.3. In all docket proceedings, the clerk will call matters in order of seniority except where the court deems it practical to do otherwise.

2.4. In all court appearances, the Judge and Clerk and Crown will be in person in the courtroom unless exceptional circumstances (e.g. inclement weather) warrant a remote appearance by one or both of them from time to time.

3. Criminal (Adult and Youth)

3.1. Docket

3.1.1. Provincial Crown, duty counsel and NCSA and other court-assistance workers are expected to appear in person unless the court approves remote attendance. Defence Counsel, Federal Crown and Provincial Crown who do not have carriage of the docket and are appearing only on a limited number of matters, may appear remotely.

3.1.2. Designation of Counsel (DOC) should be filed by Defence Counsel by first appearance or as soon thereafter as possible.

3.1.3. Case Management Offices where appropriate will continue to operate by telephone, ADS or RCS where available.

3.1.4. Defence counsel may appear remotely in docket court for routine matters including adjournments, scheduling matters, informal applications and short dispositions of summary matters where a custodial sentence is not anticipated.

- 3.1.5. Accused youth who are unrepresented will appear in person.
- 3.1.6. Accused persons who are not in custody may appear in person or remotely by video or telephone for routine matters including adjournments, scheduling, informal applications and short dispositions of summary matters where a custodial sentence is not anticipated unless otherwise ordered by the presiding judge to appear in person. Matters will be adjourned to facilitate in person attendance where directed by the Judge.
- 3.1.7. Self-represented accused persons who are not in custody who wish to appear by telephone for routine docket matters listed above in Paragraph 3.1.6, must provide the appropriate clerk of the court, (see appendix A) the telephone number at which they can be reached on the day of the court and must maintain access to this number and answer same until their matter is dealt with by the court. The telephone number must be provided a minimum of 24 hours prior to the scheduled court date.
- 3.1.8. Accused persons who are in custody will continue to appear remotely via CCTV unless a Judge's Order is granted for in-person appearance of the accused person.
- 3.1.9. It is expected that defence counsel will appear in person in the following instances unless application is made to the court for a remote attendance:
- Matters that are of particular gravity or complexity
 - Matters that involve lengthy submissions, presentation of briefs and caselaw or cross examination of surety
 - Matters that involve an accused with cognitive or mental health issues or
 - Matters that may result in a significant period of custody.
- 3.1.10. Counsel and accused persons will appear in person for all applications other than those set out in Rule 2.2 of the Rules of Criminal Court unless otherwise directed by the presiding Judge.
- 3.1.11. Applications for remote appearance as required in Paragraphs 3.1.9 and 3.1.10 above shall be forwarded to the Trial Coordinator at EdmRegInquiries@albertacourts.ca a minimum of one week prior to the scheduled court date.

3.2. Criminal Trial or Preliminary Hearing

3.2.1. All participants will appear in person, subject to a pre-trial order or the discretion of the presiding Judge.

3.2.2. 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.

4. Family, Child, Youth and Family Enhancement Act, and Civil

4.1. Docket

4.1.1. Counsel, court workers, may appear in person or remotely for routine docket matters.

4.1.2. Litigants may appear in person or by video or telephone for routine docket matters unless otherwise ordered by the presiding judge to appear in person. Matters will be adjourned to facilitate in-person attendance when directed by the Judge.

4.1.3. Self-representing litigants who wish to appear by telephone for docket matters must provide the telephone number at which they can be reached on the day of the court and be able to answer the call from the court at any time on the court date until their matter is dealt with by the court. Notice of the telephone number must be provided to the appropriate clerk of the court, (see Appendix A) by email, 24 hours prior to the court date.

4.2. Trials and Hearings in Family, *Child, Youth and Family Enhancement Act*, and Civil Matters

4.2.1. All participants will appear in person, subject to a pre-hearing order or the discretion of the presiding Judge for all trials or viva voce hearings.

4.2.2. An application for the remote appearance of any hearing participant must be made in docket court on notice to all other parties, 30 days in advance of the hearing or at the discretion of the presiding trial Judge.

5. Pre-Trial conferences and Judicial Dispute Resolutions (JDRs)

5.1. Pre-trial conferences will be remote (via telephone) unless personal attendance is directed by the Judge hearing the pre-trial conference.

5.2. JDRs with personal attendance are preferred however participants may appear via video conferencing, if available or telephone unless otherwise directed by the presiding judge. When scheduling a JDR, the method of requested appearance (in person, video or telephone) must be set out on the JDR Confirmation Form.

6. Other Applications

6.1. Applications under the *Protection of Children Abusing Drugs Act* (PChAD), the *Protection of Sexually Exploited Children Act* (PSECA), the *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 Judge.

6.2. 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 Judge.

APPENDIX “A”

The electronic filing address for the Edmonton Regional Courts

FORT MCMURRAY docket.fortmcmurray@just.gov.ab.ca 780-743-7195
Circuit – Fort Chipewyan

FT. SASKATCHEWAN FTSP@just.gov.ab.ca 780-998-1200
Circuit – Boyle

HINTON hinp@csadm.just.gov.ab.ca 780-865-8280
Circuit – Edson
Grande Cache
Jasper

LEDUC LEDP@csadm.just.gov.ab.ca 780-986-6911
Circuit- Breton
Drayton Valley

SHERWOOD PARK Shep@just.gov.ab.ca 780-464-0114

STONY PLAIN STOP@csadm.just.gov.ab.ca 780-963-6205
Circuit- Alexis
Evansburg
Mayerthorpe
Whitecourt

ST. ALBERT STAP@csadm.just.gov.ab.ca 780-458-7300
Circuit- Athabasca
Barrhead
Morinville
Westlock

ST. PAUL STPP@just.gov.ab.ca 780-645-6324
Circuit- Bonnyville
Cold Lake
Lac La Biche

VERMILION VERP@just.gov.ab.ca 780-853-8130
Circuit- Vegreville
Wainwright
Lloydminster