



Territorial Court of Yukon

May 20, 2020

NOTICE TO THE PROFESSION AND THE PUBLIC

THIS NOTICE UPDATES THE MARCH 24, 2020 ANNOUNCEMENT REGARDING MEASURES BEING TAKEN BY THE TERRITORIAL COURT TO ASSIST IN CONTAINING THE SPREAD OF COVID-19. AS THIS SITUATION IS CONSTANTLY EVOLVING, WE WILL CONTINUE TO MONITOR AND ASSESS INFORMATION. THE COURT WILL POST FURTHER UPDATES AND INFORMATION AS IT BECOMES AVAILABLE. PLEASE CONTINUE TO MONITOR THE TERRITORIAL COURT WEBSITE, WWW.YUKONCOURTS.CA, FOR UPDATES OR FOLLOW US ON TWITTER AT @YukonCourts.

THE CHANGES MADE TO THE PREVIOUS NOTICE ARE HIGHLIGHTED IN YELLOW FOR EASE OF REFERENCE.

The overriding goal is to protect the health and safety of all court users and to minimize all unnecessary contact between individuals who are associated with court proceedings. The use of agency appearance by counsel for an accused, the use of technology for appearances, whether by video or telephone, and the use of delaying non-essential proceedings to a later date, thus minimizing in-person court appearances, all assist in achieving this goal. If you have a lawyer, we encourage you to contact your lawyer and have them appear for you where appropriate.

Individuals who have matters in court and do not have counsel may contact the Court Registry at 867-667-3429 or 1-800-661-0408, ext. 3429 (criminal) to set up a telephone appearance (for civil matters use extension 5937).

Most proceedings of the Court are open to the public. However, until further notice no members of the public will be permitted in courtrooms unless required for a court matter, or unless the Court directs otherwise. Those able to be in the courtroom include: counsel, parties, witnesses, Probation Officers, Crown Witness Co-ordinators, Victim Services Workers, support workers (e.g. FASSY), or other similar persons. Media will also be within the permitted class of persons. Further, in the event that an individual who would otherwise be allowed to be in the courtroom shows symptoms of COVID-19, that individual will not be allowed in the courtroom. **The Yukon.ca website indicates that those who have not travelled outside the Yukon, but who have a cough; fever and/or chills; or difficulty breathing should be tested.** Symptoms identified by the British Columbia Centre for Disease Control for COVID-19 include:

- fever,
- cough,
- shortness of breath,
- sore throat and painful swallowing,
- stuffy or runny nose.



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Any lawyers, parties, witnesses, or people within that class of persons allowed to be in court who are ill, in quarantine, or in self-isolation, should take steps to notify the Court and other parties as soon as possible.

The Court encourages counsel to contact their clients and any witnesses as soon as possible to allow for such adjustments to be made to the scheduled court sittings as is required, and additionally, to advise the Court and other parties of any applications to adjourn matters as soon as possible.

Recognizing that the circumstances of a particular case or situation may require it, for all the below there remains the ability for counsel to ask a judge to make an exception, and the Court may, including on its own initiative, make any order or provide any direction the Court considers appropriate.

Telephone Appearances

Until further notice, Crown and defence counsel have the Court's permission to appear by telephone **on all matters except trials and preliminary hearings.**

Counsel must advise the Court Registry of their wish to do so by email, at the very latest by noon the business day before the appearance.

The email should be addressed to Karin.Keeley-Eriksson@gov.yk.ca to obtain information on how the appearance(s) will be proceeding (teleconference or by direct telephone connection), and what is required of counsel in order to attend remotely.

Circuits

The goal is to minimize travel for all participants in the court process, including the court party; and to prevent the introduction or spread of COVID-19 in small communities, in compliance with the directive from Yukon's Chief Medical Officer regarding travel to the communities.

Therefore:

1. There will be no circuit travel by the court party, and as a result, dockets will be spoken to by telephone;
2. All matters where the accused is not in custody will be adjourned from the upcoming court circuit to a date deemed appropriate by the Court, unless otherwise ordered;
3. The Court will make every effort to deal with in-custody matters as expeditiously as possible. For in-custody trials and hearings, the expectation is that counsel will consider proceeding using technology. The Court will hear applications in this regard under ss. 537 and 650 of the *Criminal Code*, as required. Pre-trial conferences will be held in every in-custody case;



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4. All other cases where the trial, preliminary inquiry, or sentencing has already been scheduled, and the offender is not in custody, will be spoken to by telephone or adjourned to a fix-date court in Whitehorse on July 2, 2020, or a date thereafter, unless otherwise ordered. If the matter is time sensitive, it should be spoken to at the pre-circuit conference or a case management conference should be requested;
5. The reason for the adjournment will be clearly stated on the record and endorsed on the Information; and
6. Show causes will be conducted as normal from the communities.

Non-Circuit Show Causes

All show causes for accused held at WCC will be conducted by video-appearance.

Domestic Violence Treatment Option Court and Community Wellness Court

The Court will proceed as scheduled with modifications as follows:

1. Requests for suitability assessments may be made by way of a desk order. Crown will submit the order by email to Judges' Chambers including correspondence confirming consent from defence and Crown. The order will be signed and filed by the Court, and copied to the Justice Wellness Centre (JWC);
2. All first appearances will be adjourned to a date in the regular course in order to determine the direction the matter will be proceeding; and
3. Regular court check-ins will resume as determined by the Court. Court check-ins may take place with client attendance by telephone, by video from the JWC meeting room, or in-person. Wherever possible, check-ins should be by telephone. Where video or in-person check-ins are recommended, counsel and the Treatment Team will ensure the numbers of video and in-person appearances allow for appropriate social distancing to be maintained. Accused will be expected to participate in their check-in via phone, videoconference or in-person, unless there is a reasonable explanation why the accused is unable to participate.

Wednesday Docket Court

All matters will be adjourned until July 8, 2020, or a date thereafter. Matters currently scheduled for a date prior to July 8, 2020 may be brought forward in order to further be adjourned.



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Appearances by counsel acting as agent for the accused, or otherwise having the accused attend by telephone, are encouraged for all court appearances. The accused may contact the Court Registry at 867-667-3429 or 1-800-661-0408, ext. 3429 to organize a telephone appearance.

Matters may proceed to sentencing and flexibility will be provided to accused attending the sentencing by telephone or video, unless otherwise considered inappropriate by the Court.

Judges' Docket

Matters may be scheduled in a Judges' Docket by contacting the Trial Coordinator's Office at 867-667-3580 by phone, or tc.trialcoordinator@yukoncourts.ca, or at the direction of the Court.

Appearances by counsel acting as agent for the accused, or otherwise having the accused attend by telephone, are encouraged for all court appearances where the attendance of the accused is not required.

Intermittent Sentences

Those matters for which counsel are seeking intermittent sentences will, barring exceptional circumstances, be adjourned for sentencing at a later date.

Fix-Date Court

The Court will remain open as usual for setting dates for matters. This said, for non-urgent matters, generally these will be put to a fix-date court on **July 2, 2020**, or a date thereafter, rather than to a trial, preliminary hearing or sentencing date.

Applications

All non-urgent applications shall be adjourned to a later date.

All urgent applications may proceed by video or teleconference.

Youth Docket

Matters can either proceed to sentencing or be adjourned to a youth docket on **July 2, 2020**, or a date thereafter. Matters currently scheduled for a date prior to **July 2, 2020** may be brought forward in order to be further adjourned.



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Pre-trial, Case Management and Pre-Circuit Conferences

All pre-trial, case management and pre-circuit conferences shall be held by teleconference, unless the Court directs otherwise.

Trials, Preliminary Inquiries and Sentencing Hearings

All non-urgent trials and preliminary hearings scheduled to proceed before July 2, 2020 will be brought forward by the Trial Coordinator's Office for the purpose of an adjournment, unless the parties apply to have the matter heard before July 2, 2020. The Court will determine whether non-urgent sentencing hearings will proceed depending on the circumstances of the case.

The Court will make every effort to deal with in-custody matters as expeditiously as possible. For in-custody trials and hearings, the expectation is that counsel will consider proceeding using technology. The Court will hear applications in this regard under ss. 537 and 650 of the *Criminal Code*, as required. Pre-trial conferences will be held in every in-custody case.

The reason for an adjournment will be clearly stated on the record and endorsed on the Information.

Small Claims Court

All non-urgent small claims court matters are cancelled and shall be scheduled for dates after July 2, 2020. Matters that are considered by the Court to be urgent shall be dealt with on a case-by-case basis.

Pre-trial conferences for small claims court matters may be scheduled and will proceed by videoconference, unless otherwise directed by the Court. These conferences will be scheduled on a case-by-case basis at the direction of a judge.

Individuals or counsel may contact the Court Registry at 867-667-5619.

Child Protection

All urgent or statutorily mandated matters, including the initial presentation hearing, the protection hearing, applications for supervision orders and for extension of time, and any other urgent motions shall proceed. Where possible, parties shall attend by teleconference.

All other matters shall be adjourned to July 2, 2020, or a date thereafter.



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Emergency Intervention Orders and Other Protective Orders

Urgent applications for emergency orders will proceed. The parties will attend the hearing by teleconference unless otherwise directed by the Court.

Traffic, Ticket and Bylaw Matters

Matters scheduled shall be adjourned to a later date without the person having to attend court.

A notice of the new Court date will be sent to the disputant by mail to the address on file with the Court.

Emergency Matters

Any emergency or time-limited matters that arise at any location in the Yukon will be dealt with as the circumstances may require.

Please continue to monitor the territorial court website, www.yukoncourts.ca, for updates or follow us on twitter at @YukonCourts.

CHISHOLM, P.
CHIEF JUDGE OF THE
TERRITORIAL COURT OF YUKON