



# Territorial Court of Yukon

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January 6, 2022

## NOTICE TO THE PROFESSION AND THE PUBLIC

The Territorial Court recognizes its obligation, as an essential service, to continue to operate while taking reasonable steps to ensure the health and safety of those who work within the court facilities, as well as the general public who attends within the court facilities. With the high transmission rates of the Omicron variant of COVID-19, the court recognizes that there is a need to adjust the current court practices.

In order to achieve a balance between the need to allow court proceedings to take place, while maintaining a safe environment, court proceedings will occur as follows:

- All trial, preliminary inquiries, and sentencings and applications outside of all docket courts, will continue as scheduled with in-person appearances. Where it is reasonable for a participant to attend by video appearance, or by other means of remote appearance, steps should be taken to allow for such appearances. In the event that concerns exist with respect to in-person appearances, the Court will, upon application, and on a case-to-case basis, adjourn these matters to a future date, unless the Court considers it necessary to proceed on the scheduled date;
- Appearances by accused, counsel, and other court participants for all docket court matters, including criminal, territorial, and bylaw, will be conducted by remote appearances where possible. However, in-person attendance in court is not prohibited;
- Bail hearings will be conducted with accused persons participating virtually, unless the unrepresented accused, or counsel for an accused, makes a request to the Senior Court Clerk at [clerkssupervisor@yukon.ca](mailto:clerkssupervisor@yukon.ca) in advance to be, or to have their client be, physically present, and that request is approved by the Court. Requests must be received by 10:00 a.m., unless circumstances exist which make that impracticable. Counsel are able to appear in person or remotely as they choose;
- All pre-trial conferences and pre-circuit conferences will be conducted by teleconference, unless otherwise ordered or directed by a judge;
- Circuit court attendances in the communities will be decided on a circuit-by-circuit basis. Generally, it can be presumed that for now, circuits will likely be held with remote attendances, unless otherwise ordered or directed by a judge where the circumstances warrant it. The matter shall be discussed at the pre-circuit conference, and a decision will be made then, or in advance of



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the circuit if additional information is required by the judge in order to make a final decision;

- Because of the relative ineffectiveness of cloth masks for preventing the transmission of COVID-19, in particular the Omicron variant, at all in-person court appearances, all court participants will wear either an N-95 mask, a properly fitting medical/surgical mask, or a combination of a medical/surgical mask and an additional mask, unless otherwise directed by the presiding judge or justice. Medical/surgical masks will be available in the atrium and outside every courtroom. If any court participant has a medical exemption from being required to wear a mask, proof of this exemption shall be provided to the court registry in advance of this participant's in-person attendance in court, and the participant's ability to attend in court in person will be subject to the approval of the presiding judge or justice.
- In addition, sanitizing of the interior of the courtrooms and physical distancing between persons in the courtroom will continue to be practiced and expected.

For all telephone appearances, the court registry will set telephone numbers, available in advance, by emails sent out the evening before to all counsel of record. You may also contact the court registry at [clerkssupervisor@yukon.ca](mailto:clerkssupervisor@yukon.ca) in order to obtain the phone numbers.

The Territorial Court recognizes the need to be flexible and fluid as circumstances can develop quickly, and changes or modifications to this directive will be made as required by the circumstances.

**Please continue to monitor the Territorial Court website, [www.yukoncourts.ca](http://www.yukoncourts.ca), for updates or follow us on twitter at [@YukonCourts](https://twitter.com/YukonCourts).**

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COZENS, M.  
CHIEF JUDGE OF THE  
TERRITORIAL COURT OF YUKON