



## SUPREME COURT OF YUKON

### NOTICE TO THE PROFESSION AND PUBLIC COVID-19

**February 28, 2022**

**This supercedes all previous COVID-19 notices.**

#### **COURTROOM APPEARANCES**

The Supreme Court of Yukon will resume in-person hearings beginning **March 1, 2022**.

This includes all applications, trials, family law case conferences, chambers appearances, and judicial settlement conferences.

The presiding judge at any hearing has the discretion to direct certain precautions depending on the circumstances of a particular court hearing.

Case management conferences and pre-trial conferences will continue to be held by phone. In exceptional circumstances on approval of the presiding judge they may be held in person or by video.

As always, the Court will allow appearances by video or phone if circumstances require. Notice must be provided in advance to the court technologist, in accordance with Practice Direction-24 Best Practices for Videoconferencing.

#### **Masks**

Mask-wearing remains mandatory within the Courts side of the courthouse and the Supreme Court of Yukon courtrooms. This includes the entrances, atrium, Court Registry, restrooms, witness and interview rooms, Supreme Court boardroom, main floor boardroom, law library, stairways, hallways, and elevators.

Everyone is required to wear masks in the Supreme Court courtrooms at all times, subject to the discretion of presiding judge or judicial officer in exceptional situations based on the individual circumstances of each case, including the space in the courtroom, the nature of the case, and the parties and participants. There are certain other exceptions set out below.

Counsel in the courtrooms are not required to wear masks when they are speaking in front of the bar at counsel tables, or at podiums, but are required to wear them at all other times. Clients sitting at counsel tables are required to wear masks at all times.

Witnesses are required to wear a mask at all times before and after their testimony, including while walking to the witness stand. Once the witness is in the witness stand, they are not required to wear a mask while testifying.

People sitting in the gallery of the courtrooms are required to wear masks at all times.

Everyone is encouraged to bring their own mask, but if you do not have one, a supply will be available in the atrium, or a Sheriff will provide one to you.

Acceptable masks are the medical/surgical masks (available in the atrium), a medical/surgical mask with a cloth mask on top, an N-95 or KN95 mask, or equivalent. Cloth masks on their own are no longer acceptable.

### **Screening Process for Persons Entering the Courtrooms**

The Government of Yukon continues to recommend self-assessment based on the following symptoms:

- Fever;
- chills;
- cough;
- shortness of breath;
- runny nose;
- sore throat;
- headache;
- loss of sense of taste or smell;
- fatigue;
- loss of appetite;
- nausea and vomiting;
- diarrhea;
- muscle aches.

You shall not attend the courthouse if you are experiencing one or more symptoms or have tested positive for COVID-19:

- within the past 7 days if you are fully vaccinated, meaning 2 doses of the vaccine with the last dose received **less** than 6 months ago, or 3 doses of the vaccine, not immune compromised, and you have mild or moderate illness;
- within the past 10 days if you have had 2 doses of the vaccine and the last dose was **more** than 6 months ago or you are not vaccinated, not immune compromised and have mild or moderate illness; or

- within the past 20 days if you are moderately or significantly immune compromised, have severe illness or have been diagnosed with COVID-19 pneumonia

If you suffer from any pre-existing conditions, consider what are normal symptoms for you. If any of the above symptoms are usual symptoms of one of your pre-existing conditions, then you may not need to get tested or stay home.

You shall not attend at the courthouse if you have been in contact with someone who has COVID-19 in the past 7 days and you are not vaccinated.

If you are experiencing symptoms of COVID-19 or have tested positive for COVID-19, as outlined above, and you are a party, an accused, or a witness whose presence is required in court, please ensure that you inform your counsel or the Trial Co-ordinator of your health situation before the time of your scheduled court appearance.

Counsel and self-represented parties may be asked to confirm at any in-person court appearance that to their knowledge, no one involved on their side, including witnesses and support persons, has any symptoms of illness that may be COVID-19, as outlined above, or has had recent contact with anyone who has symptoms that may be COVID-19.

The Sheriffs will screen people entering the courtrooms. If they observe anyone displaying symptoms that may be COVID-19, Sheriffs have the discretion to exclude observers from the courtroom, subject to the Judge's direction. Sheriffs and/or counsel will advise the Court of any court participants displaying such symptoms, at which time the Court will address the issue if necessary.

If during the proceedings, counsel, parties, or participants become aware that they or someone they have been in contact with in accordance with guidelines listed above have tested positive for COVID-19, they shall notify the clerk.

### **Cleaning and Sanitation**

Anyone entering the courthouse shall use hand sanitizer upon entry. Hand sanitizer will be available by the entrances and exits of the courthouse.

Anyone entering any courtroom shall use hand sanitizer again upon entry. Hand sanitizer will be available at the entrance to the courtroom, court clerk's desk, witness box, bench and counsel tables.

The gallery seats and surface areas, door handles, clerk's desk, witness box, witness chair, microphones, prisoner box, witness rooms, counsel tables and chairs, and bench, will be cleaned after each use. All courtrooms will be cleaned in their entirety at the end of each day.

If a witness swears an oath, the Bible will be disinfected after its use.

### **Courtroom Layout**

Physical distancing measures among all people in the courtroom must be maintained. Each counsel will have their own podium at the respective ends of each counsel table.

There will be stickers in the gallery seating indicating where people must sit in order to maintain physical distancing.

There will be plexiglass installed around the witness box, in front of the clerk's desk, and available at counsel tables, recognizing that physical distancing may be difficult to be maintained in those areas at all times.

If required, brief adjournments will be granted to counsel during a hearing to communicate with their client or co-counsel outside the courtroom to accommodate physical distancing and confidentiality.

### **Numbers of People in the Courtroom**

The continued need for physical distancing may mean, in some cases, that it will not be possible for everyone to be present in the courtroom, especially in the smaller courtrooms. Priority will be given to participants in the hearing and support people including family, victim services workers, FASSY workers, mental wellness counsellors, and probation officers.

Members of the media and the public, as always, are permitted to attend court (except in family matters or in exceptional court-ordered circumstances or where there are statutory requirements). If there is insufficient space in the courtroom to accommodate everyone, a conference call number will be provided for the media and members of the general public to call in to hear the proceedings.

The Sheriff's office has discretion to allow people into the courtroom on the basis of these priorities, subject to the presiding judge's direction.

## **COURT REGISTRY**

### **In-Person Attendances and Filing**

The public door into the Registry will continue to be locked but the Registry will accommodate in-person attendances as long as physical distancing measures are respected. Registry staff may refuse access to the Registry to anyone who does not comply with physical distancing requirements.

### **Email Filing**

**Email filing is no longer permitted unless there are exceptional circumstances related to the COVID-19 pandemic.** The Court currently does not have an electronic filing system.

### **Service and Delivery**

All documents are required to be served or delivered according to the *Rules of Court* of the Supreme Court. No email service is permitted unless it is done according to the *Rules of Court*.



Chief Justice S.M. Duncan