

## COVID-19 TRIAL DIRECTIVES

- Counsel, parties or witnesses who are exhibiting symptoms which are consistent with COVID-19 as described by the Chief Medical Officer for New Brunswick, should not attend court, and the Clerk should be immediately notified.
- All matters currently on the docket of the New Brunswick Court of Queen's Bench for the period of June 1<sup>st</sup>, 2020 forward, will proceed on the date as currently scheduled.
- Jury trials will resume as of August 15<sup>th</sup>, 2020.
- The Case Management Masters will resume in person matters as of June 1<sup>st</sup>, 2020.
- Small Claims hearings will resume as of September 1<sup>st</sup>, 2020.
- Each courtroom has a maximum number of people that may be in the courtroom at anytime – inclusive of judge, stenographer and any required sheriffs. Lawyers and parties will be advised of the maximum number of allowed participants prior to their attendance at any hearing. The maximum number of people may not be exceeded at any point during the proceeding. Priority will be given to parties and their counsel.
- Lawyers are to advise prior to trial the identity of individuals that will be present during the trial and when. These lists must be made available to the trial or motion judge at the time of the pre-hearing case management call. Non-essential individuals, i.e. neither a party nor a witness, may be excluded from attending the hearing.
- Judges will schedule pre-hearing case management telephone conference calls prior to the hearing of in person matters to ensure that all parties and lawyers understand the procedures to be followed when arriving at the courthouse and during the proceedings. The questionnaire to be used by the judges during these case management calls can be found annexed to these directives. Counsel should be prepared to answer those questions during the pre-hearing conference.
- Counsel, parties and witnesses will need to respect the provincial rules in regard to travel from outside New Brunswick and quarantine requirements. Anyone participating in a proceeding that has come from outside the Province will be asked to provide the date of their arrival in the Province as well as the date they completed their 14 days of mandatory isolation.

- If there are documents that are to be tendered during the course of the hearing, a sufficient number of copies should be prepared in advance so that all participants – the judge, the lawyers, the parties or relevant witnesses may each have their own set of copies to work from. Counsel are strongly encouraged to exchange all documents electronically before the hearing to minimize the need to physically share documents.
- Whenever a document is manipulated by more than one person, the participants touching the document should disinfect their hands before with the available disinfectant and immediately after handling the document. This process should be repeated each time a participant comes in contact with a new document.
- Physical distancing requirements must be respected by all participants while in the courtrooms and the courthouses. It is expected that counsel will ensure that physical distancing is respected by their clients.
- All participants in the courtrooms and courthouses must respect signage to indicate where people may and may not sit. All participants must follow any indicators on the floor setting out where people should stand and walk or arrows marking the direction of traffic in hallways and stairwells.
- In the event there are matters that are heard in the Court of Queen’s Bench that are of particular interest to the public and there is a demand to accommodate more people than the designated courtroom can safely manage, an overflow courtroom may be made available in those courthouses where the capacity to set up an overflow courtroom exists, as determined by the presiding judge.
- Multiple hearings scheduled before a single judge on a single day may need to be rescheduled to ensure the matters are sufficiently staggered to limit the number of people attending any particular courtroom at any given time.
- Counsel or parties intending to call a witness that is unable to personally attend at the courthouse as a result of COVID-19 related travel restrictions or specific health concerns, or who wish to appear for a hearing remotely, may request to have such witness or party appear via videoconference or other virtual means. All such requests will be subject to the approval of the presiding judge.
- Lawyers and self-represented parties who will require the assistance of video conferencing for the receipt of evidence must advise the presiding judge at the pre-hearing telephone conference that they will require this assistance so that sufficient time

is available to organize the logistics to receive this evidence. All such requests must be forwarded to the clerk of the court in the respective jurisdiction at least 5 days prior to the scheduled court appearance.

- In order to limit the amount of traffic flow within the courtrooms, the Court of Queen's Bench will stagger its start times. Court will commence at various times between 9:00 and 10:00 in the morning and 1:00 and 2:00 in the afternoon. Please verify the start times for your matters prior to proceeding to the courthouse. The start time for your matters will be confirmed by the presiding judge during the pre-hearing telephone conference call.
- Witnesses will not be allowed to testify while wearing a face mask. Witnesses, like all participants, will be welcome to wear a face mask anytime they are in the courtroom other than when they are actually testifying. Face shields will be made available for any witness who feels uncomfortable removing their face mask during their testimony. This provision does not apply to religious face coverings.
- Counsel or parties who intend to use demonstrative evidence (i.e. maps, diagrams or photos) are asked to ensure that they are sufficiently large so as to be visible by all participants in the courtroom, to reduce the need for counsel and parties to congregate around the item.
- These directives are subject to change on the advice of the Department of Health and Safety and in response to the evolution of the COVID-19 Pandemic. All directives will be posted on the NB Court's Website, made available to the Law Society and be made available via the Clerk's office in each jurisdiction.

**ISSUED by Tracey K. DeWare, Chief Justice of the Court of Queen's Bench on May 14<sup>th</sup>, 2020**

PRE-HEARING CONFERENCE -COVID-19 QUESTIONNAIRE									
Court File No:					<i>(Please check appropriate box)</i>				
Hearing Date(s):					Trial Division		Family Division		
Duration:					Trial		Application		
Start Times:	A.M.		P.M.		Motion		G Hearing		
	Lunch break:				Is this a continuation of a matter?		YES	NO	
COURTROOM OCCUPANCY									
What is the maximum capacity of the courtroom where the matter is scheduled?									
PARTIES		Names			Lawyers				
Plaintiff(s) / Applicant(s) / Moving Party(ies)									
Defendant(s) / Respondent(s) / Responding Party(ies)									
Do any Parties have Litigation Guardians?				YES	NO	Is a Litigation Guardian needed?		YES	NO
Is there a request for additional people to attend as supports for Parties / Lawyers?							YES	NO	
Total Number of Named Parties:									
Total Number of Lawyers:									
Total Number of Support Persons:									
Total Number of People Attending:									
WITNESSES		Plaintiff / Applicant /Moving Party			Defendant / Respondent / Responding Party				
Names:		1. 2. 3. 4. 5. 6. 7. 8.			1. 2. 3. 4. 5. 6. 7. 8.				
Schedule of Witnesses:		1. 2. 3. 4. 5. 6. 7. 8.			1. 2. 3. 4. 5. 6. 7. 8.				
Does any Party or Witness require additional accommodations?							YES	NO	
Does any Party or Witness require access to videoconferencing services in order to testify?							YES	NO	
<i>(remind Parties that requests for videoconferencing must be made at least five (5) days prior to the Court appearance)</i>									
If a Party / Lawyer / Witness intends to participate via Skype what is the email address for the skype invitation:					(e-mail address)				
What technological ability / software does the party or witness have access to?					(e.g. Microsoft Teams / Zoom / Google Hangouts)				
Will the party/witness appearing via videoconference require access to documents not in their possession:							YES	NO	
Is there an Interpreter required?				YES	NO	If YES, how many are required?			
Schedule for the Interpreter(s):				(dates / times)					

DOCUMENTS				
What are the documents involved?	1. 2. 3. 4. 5. 6. 7. 8. 9. 10.	Who is preparing copies?	(name)	
		Contact Information	Tel: Fax: Email:	
Are electronic documents an available option?			YES	NO
Will we need a document reader / projector in the Courtroom?			YES	NO
MEDIA				
Is the matter likely to attract media interest?	YES	NO	General Public Interest?	YES NO
Is there a need for an overflow Courtroom to accommodate numbers greater than those permitted?			YES	NO
<i>(i.e. Maximum Courtroom occupation is 10 people)</i>				
COVID-19 / QUARANTINE ISSUES				
Are any Lawyers / Parties / Witnesses coming from outside of the Province			YES	NO
If YES, what is the name of the Lawyer / Party / Witness	1	(name)		
On what day does their fourteen (14) days of quarantine expire?		(date)		
	2	(name)		
		(date)		
	3	(name)		
		(date)		