

NOTICE TO THE PROFESSION

Amendments to Rule 47A: Changes to the Rules Relating to Electronic Conferencing

The Rules Committee of the Supreme Court of Newfoundland and Labrador, Trial Division, recently approved amendments to Rule 47A of the *Rules of the Supreme Court, 1986*. The regulation was published in the May 15, 2015 edition of the *Newfoundland and Labrador Gazette* (N.L. Reg. 35/15). The regulation repeals and substitutes the rule which relates to electronic conferencing or “appearing remotely”. The amendment is now in force.

Summary of Amendment

The amended rule 47A.01 defines the terms “appear remotely” and “participant”.

The amended rule 47A.02 provides certain circumstances in which a party or a lawyer for a party may “appear remotely” without prior approval from the Court. These include: case management meetings; appearances where the party is merely consenting or not opposing an order; pre-trial conferences; applications for directions; and status updates. In order to appear remotely, the Court must be notified that the party will appear in this manner by noon the day before the appearance. The Court can, nevertheless, require the person to appear in person. This rule does not apply to family proceedings.

The amended rule 47A.03 provides that a participant may appear remotely for any purpose where: (1) the Court permits it upon request made either to a judge in Court or to the Registrar; (2) the Court, of its own initiative, permits or directs such an appearance; or (3) a party applies to the Court for an order permitting such an appearance. If an informal request to the Registrar is denied, the party can bring an application without regard to the prior request. Rule 47A.03(2) provides when a request to the Registrar must be made.

The new rule 47A.04 sets out factors which should be considered in determining whether to permit a remote appearance.

The new rule 47A.05 states that the presiding judge can always adjourn the hearing and require a participant to appear in person.

The new rule 47A.06 sets out who is responsible for the cost of the remote appearance.

The other provisions are consequential amendments and cross-references to rule 56A (family law proceedings).

If you have any questions with respect to the above, please contact the Court’s Legal Officer at 709-729-4743.

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