



SUPREME COURT OF NEWFOUNDLAND AND LABRADOR NOTICE TO THE PROFESSION AND PUBLIC

VIRTUAL APPEARANCES AND ELECTRONIC FILING

BACKGROUND AND PURPOSE

Virtual appearances with the Supreme Court of Newfoundland and Labrador have, since the COVID-19 Pandemic, become increasingly frequent. During the Pandemic, virtual appearances were a way of allowing Court matters to proceed when in-person appearances were not possible. On August 26, 2022, the Court issued a Notice to the Profession and General Public ([2022-08-26-Notice-to-the-Profession-and-General-Public-Supreme-Court-Operations.pdf](#)), announcing that it would return to predominantly in-person services, but will continue to conduct some business virtually, effective September 12, 2022.

The Notice detailed the following regarding appearance methods:

TRIALS

Criminal, civil and family trials **will proceed in-person**, unless a judge orders that one or more of the participants in the trial may attend remotely, in accordance with the applicable statute/rules. Where a judge has ordered that one or more persons shall be attending remotely, Court staff members will contact the individuals so appearing to make necessary arrangements.

APPLICATIONS/HEARINGS

Criminal, civil and family hearings, including family Case Management Hearings, **will proceed in-person**, unless a judge orders that one or more of the participants in the hearing shall attend remotely, or a person is permitted to appear remotely, in accordance with the applicable statute/rules. Where a judge has ordered that one or more persons shall be attending remotely, or one or more persons is permitted to appear remotely, in accordance with the applicable statute/rules, Court staff members will contact the individuals so appearing to make necessary arrangements.

CONFERENCES

The following types of conferences **will be held in-person**, unless a judge orders that one or more of the participants in the conference shall attend remotely, or a person is permitted to appear remotely, in accordance with the applicable statute/rules:

- Settlement conferences in civil proceedings;
- Settlement conferences and Trial Readiness Conferences in family proceedings; and
- Resolution conferences in criminal proceedings.

All other conferences, including pre-trial conferences and case management conferences held in civil or criminal matters, **will be conducted virtually**, unless the presiding judge directs otherwise.

Expectations

It is the expectation of the Court that all parties adhere to the above Notice. Requests to appear virtually are to be made as follows:

1. In criminal matters, in accordance with the provisions of the *Criminal Code of Canada* and Rules 7.08 and 11.13 of the *Criminal Proceeding Rules of the Supreme Court of Newfoundland and Labrador*, as applicable;
2. In family matters, in accordance with Rule F41.02 of the *Rules of the Supreme Court, 1986*; and
3. In civil matters, in accordance with Rule 47A of the *Rules of the Supreme Court, 1986*.

The Court asks for cooperation in making virtual appearance requests with as much notice to the Registry as possible when the appearance type requires in-person attendance by default. This will provide the Registry staff time to consult the presiding judge, organize the virtual appearance, and communicate with the parties if required.

Communications from the Court

Arranging virtual appearances requires significant work from Registry staff. In instances where parties have been directed, ordered, or given approval by a judge to appear virtually, or are otherwise permitted to appear virtually, the Court's communication regarding these appearance details will be provided via e-mail to the counsel of record or the self-represented party, unless the Court is instructed otherwise.

November 13, 2024

To reduce duplication of work required of Registry staff, we ask that e-mails outlining appearance details not be re-sent or forwarded to a 3rd party (such as a legal assistant or paralegal, etc.) other than in unavoidable situations.

Public and Media Access to Court Proceedings

Members of the public and media are permitted to enter the courthouse to attend in-person trials and hearings that are open to the public. There is presently no provision in place for media or the public to attend such hearings virtually.

In certain extenuating circumstances, such requests may be made for virtual attendance in writing to the Court at least five days prior to the appearance and the extenuating circumstances must be clear in the request.

Electronic Filings

The Court reminds that email or other electronic filings will not be accepted (with the exception of email filings permitted in accordance with Practice Note P.N. 2020-03 (“Filing Documents by Email”)) [2020-10-02-Practice-Note-Filing-Documents-Electronically.pdf](#)

RAYMOND P. WHALEN
Chief Justice