

Scheduling and Conducting of Virtual Criminal Case Management Appearances (Published August 20, 2020)

This Notice outlines how virtual criminal case management appearances will be conducted.

The Ontario Court of Justice is implementing virtual criminal case management courts, in which criminal case management appearances will be conducted by videoconference or audioconference. On Monday August 10, 2020, a virtual criminal case management court pilot was launched in Ottawa and Kitchener. Province-wide implementation of virtual criminal case management courts will occur in stages over the next several weeks. The first stage of province-wide implementation begins on August 24, 2020.

Further information about criminal proceedings in the Ontario Court of Justice, including the definition of "case management appearances", is available in the [COVID-19: Notice to Counsel and the Public re: Criminal Matters in the Ontario Court of Justice](#).

Please continue to check the [Ontario Court of Justice website](#) for updates.

Note: The automatic adjournment of criminal case management appearances due to the COVID-19 pandemic has resulted in large dockets. In addition, it will likely take all participants some time to adapt to the new procedures and technology involved in conducting these appearances using remote technology. The Court encourages and appreciates the cooperation and patience of all participants, particularly at the beginning of this initiative. The Court will revise and refine the procedures for these virtual case management courts, as appropriate, based on feedback and as court operations continue to evolve in response to the COVID-19 pandemic.

1) Implementation of Criminal Case Management Courts

Set out below is a list of court locations that have implemented virtual criminal case management courts or whose implementation dates have been confirmed:

<u>Court location(§.).</u>	<u>Date</u>
Kitchener, Ottawa	August 10, 2020
Cayuga, Goderich, Guelph, L'Orignal, Orangeville, Pembroke, Stratford, Simcoe, St. Thomas, Windsor, Woodstock	August 24, 2020
Oshawa, Timmins, Thunder Bay, Toronto East/1911 Eglinton	August 31, 2020

This list will be updated regularly as virtual case management court are implemented in additional locations.

Case management appearances include a "first appearance" and matters scheduled "to be spoken to" or to "set a date". They do not include trials, preliminary hearings, guilty pleas or sentencings. A description of the

case management court(s) at each court location is set out in the [schedules](#) setting out courthouse-specific scheduling and connection information.

2) Remote Appearances Using Zoom

Beginning Monday August 10, 2020, counsel and accused persons who are out of custody will be able to attend for criminal case management appearances in Kitchener and Ottawa by audioconference (telephone) or videoconference using Zoom.

Criminal case management appearances will be conducted using Zoom, which allows participants to join by videoconference or audioconference (telephone).

A Zoom account is not required to participate in Zoom hearings. You can download Zoom at <https://zoom.us/> free of charge. User tutorials for Zoom are available at: <https://support.zoom.us/hc/en-us/articles/206618765-Zoom-Video-Tutorials>

Until further notice, criminal case management appearances will be conducted by remote appearance (audioconference or videoconference) only. Attendance in criminal case management courtrooms will be restricted to the judicial official and essential court staff, unless a judicial official directs otherwise.

The number of people who may be present in the courthouse and in the courtroom remains restricted in order to comply with health and safety precautions and maintain safe physical distancing to prevent the spread of COVID-19. For this reason, in-person attendances for criminal court case management appearances can not currently be accommodated. If you have a case management criminal court appearance in one of the locations listed above, do not attend court in person.

3) Appearances by Counsel

Counsel are strongly encouraged to attend case management court appearances by videoconference.

The Court expects that counsel will notify their clients that criminal case management appearances have resumed and that the client is required to attend by videoconference or audioconference, unless counsel is appearing on their behalf.

4) Appearances by Accused Persons

Accused persons are encouraged to attend case management court appearances by videoconference. However, accused persons who cannot attend by videoconference may attend by audioconference (telephone).

Self-represented accused persons are encouraged to contact Legal Aid Ontario before the day of their criminal case management appearance. Legal Aid Ontario has provided the following information for self-represented accused persons:

Please contact Legal Aid Ontario well in advance of your court appearance. If you would like general legal advice, or if you want to apply for legal aid, call the central Legal Aid Ontario number at 1-800-668-8258. If you want to speak to a local Duty Counsel, and are eligible, Duty Counsel may provide you with legal advice and assistance for your court appearance. At this time local Duty Counsel cannot guarantee same day assistance; it is therefore strongly recommended that you contact Legal Aid Ontario and/or Duty Counsel well in advance of your court date.

Contact information for local Duty Counsel offices is set out in the [schedules](#) setting out courthouse-specific scheduling and connection information.

The COVID-19 pandemic continues to present an extraordinary situation requiring ongoing restrictions on persons being able to attend courthouses in person. The Court recognizes that there may be accused persons who are unable to attend case management court by audioconference or videoconference. If an accused person does not attend for their criminal case management appearance, their matter will be adjourned to a date five (5) weeks from the scheduled appearance date, with a “[bench warrant with discretion](#)” returnable on the next date.

The presiding judicial official may adjourn a matter to a different date where satisfied that it is in the interest of justice to do so, for example where an accused person, although unable to attend court, has communicated a request that their matter be adjourned to a specific date or where a case would otherwise be adjourned to a holiday or to an incorrect case management date.

5) Scheduling and Connection Information

Each case management court has its own unique video link and its own unique telephone number / passcode combination that is needed to connect to the court. This information is set out in courthouse-specific schedules available on the Ontario Court of Justice website.

To facilitate more orderly proceedings and to limit the number of people waiting on the line to have their matters addressed, case management court lists have been subdivided into tiers. Counsel and accused persons are encouraged to connect to the case management courtroom at the time specified for their tier. However, the Court recognizes that, as a result of the automatic adjournment of matters and other scheduling changes, counsel may have conflicting court obligations which will prevent counsel from being able to attend during the allotted time.

The scheduling and connection information for criminal case management courts may change in response to the COVID-19 pandemic and as court operations continue to expand. Please continue to check the [Ontario Court of Justice website](#) for updates.

6) Accused persons who are in custody

Criminal case management appearances for accused persons who are in custody will continue to be conducted by remote appearance (audioconference or videoconference), in accordance with the procedures in place since March 2020.

7) Enhanced Designations of Counsel

In response to the COVID-19 pandemic, and in order to limit the number of people who are required to attend court, the Court has issued a Practice Direction Authorizing Alternate Form of Appearance where an Enhanced Designation of Counsel has been Filed.

Accused persons who are represented by counsel and who have filed an Enhanced Designation of Counsel may have their matters adjourned, without the accused personally appearing, in accordance with the procedure set out in the Practice Direction and in accordance with rule 4.5 of the Criminal Rules of the Ontario Court of Justice.

Courthouse-specific Scheduling and Connection Information

Cayuga	Goderich	Guelph
Kitchener	Orangeville	L'Orignal
Ottawa	Pembroke	St. Thomas
Simcoe	Stratford	Windsor
Woodstock		