

NOTICE

MANITOBA COURT OF QUEEN'S BENCH

RE: COVID-19 SUSPENSION AND RESTRICTIVE OPERATIONS OF THE FAMILY DIVISION

The Chief Justice has released a recent Notice to the Profession that provides for a further time period where court services and proceedings will be limited.

The new date for potential resumption of regular court sittings will now be May 25, 2020.

All matters will be presumptively proceeding from that date forward.

As a result of the first partial closure, Administrative Lists were created due to cancelled proceedings.

The purpose of this Notice is to provide guidance to the profession and litigants with respect to those Lists together with future scheduling.

The general restrictions to court services outlined in the Notice dated March 16, 2020, will remain in effect, subject to the limited services outlined in this Notice.

In order to alleviate potential delays and backlog, there will be additional summer sittings. At present, the following matters may be set during the summer:

- i) Child Protection Intake Lists;
- ii) Triage Lists;
- iii) Child Protection Trials (which will be trials previously cancelled and potentially new trials for infants);
- iv) Child Protection Pre-Trials;
- v) Family Division Mobility Trials; and

- vi) Motions and Case Conferences set at the discretion of the judge. In this respect, same may be set during designated motions/Case Conference time and 9:00 a.m. or 1:00 p.m. time slots.

Procedure with Respect to all Administrative Lists

Each Administrative List will proceed via teleconference and will contain a precise start time for each matter, to the extent possible. Each judge will be responsible for assigning a time and instructing their assistants to contact counsel/litigants regarding the required teleconference information.

Child Protection Intake Lists

There will be four judges designated to conduct the Intake Lists, namely: Madam Justice Mirwaldt, Madam Justice Hatch, Mr. Justice Doyle and Madam Justice Everett. All four Lists will run simultaneously, in different courtrooms on **April 16, 2020 starting at 9:30 a.m.**

Those Intake Lists will include Child Protection Pre-Trials that were cancelled. Counsel are to treat the CP Intake Lists fundamentally the same as past practice.

In the event that trial dates are set, pre-trial dates will continue to be set in June 2020.

Family Division Motions List

This List will contain all cancelled Motions. The List will take place on **April 17, 2020 commencing at 9:30 a.m.** This List will be presided over by Madam Justice Petersen. While it is not expected that the Motions will in fact proceed on this date, matters may be “spoken to” that counsel and the court deem appropriate and, for example, may include potential requests for removal of a solicitor from the record. In the event matters are not resolved and counsel wish to obtain a further date, Motion time may be offered in June 2020, beginning with designated Motion time and potentially 9:00 a.m. or 1:00 p.m. time slots, if the matter is urgent.

Triage List

This List will occur on **April 17, 2020 commencing at 9:30 a.m.**, running continuous in two separate courtrooms and will be presided over by Justices Johnston and Thatcher. These hearings will proceed in the regular course and will be fundamentally no different than a regular triage hearing. Counsel are reminded that there is a potential for Motions to be argued that the Triage judge is prepared to hear in the event that the matter is urgent. This statement is made in the context that in the event the matter is not resolved, the Case Flow Model requires a Case Conference date to be set. Those Case Conference dates will not be offered until September 2020.

Case Conference Trial Readiness List

As will be detailed later in this Notice, Trial Readiness Case Conferences will be conducted by individual judges. The goal is to have each of the cancelled Case Conference Readiness appearances scheduled by each individual judge prior to the List occurring, the details of which will be contained later in this Notice. Any matters where this is not achieved, will appear on this List.

This List will occur on **April 17, 2020 commencing at 9:30 a.m.** and be presided over by The Honourable Mr. Justice Thomson. The Trial Readiness Case Conference will occur at that List if not already previously scheduled. Once a party is contacted and arrangements are made with the seized Case Conference judge, the matter will be removed from this List. The List that will be in existence on April 17, 2020, will be those matters which have not been previously scheduled.

Cancelled Trials/All Other Cancelled Case Conference and Inter-jurisdictional Support Orders (ISO)

This List will occur **April 17, 2020, commencing at 9:30 a.m.** Acting Associate Chief Justice Dueck will preside over the cancelled trials and Case Conferences and Madam Justice MacPhail will preside over the ISO matters. The ISO matters will proceed to the extent possible and any cancelled trials will be rescheduled.

There were a substantial number of Case Conferences that were cancelled that did not have trial dates scheduled or had trial dates scheduled for the fall/spring of 2021. These Case Conferences will be rescheduled depending on priority/pending trial dates. Due to the high volume of these matters, a second list will be held April 20, 2020, at 9:30 a.m.

Select Regional Administrative Lists

Madam Justice Horst will be presiding over the following Regional Lists:

Thompson	May 4, 2020
Morden	May 14, 2020
Flin Flon	April 20 and May 19, 2020
St. Boniface	May 6, 2020
Selkirk	May 7, 2020
The Pas	April 27 and May 25, 2020

Trial Readiness Case Conferences to be Occurring Immediately

As previously indicated, Trial Readiness Case Conferences will be occurring immediately and being scheduled by each seized judge where possible. These proceedings will occur entirely off record and will not be conducted through the use of a courtroom. Several judges are willing to participate in video-conferencing for the trial readiness Case Conferences. Such video-conferencing may occur through the program “Zoom.” It will be the responsibility of counsel to have their own Zoom account and arrange for the attendance of the lawyers, litigants and the judge. When counsel are being contacted by the judiciary, they will be advised whether or not they are prepared to participate in Zoom video-conferencing. If the conference occurs via teleconference, the judge's assistant will be responsible for scheduling same.

May 2020 Administrative Lists

Given the further extension of limited services, the future list dates will be as follows:

- CP Intake List May 21 at 9:30 a.m.
- FD Motions List..... May 22 at 9:30 a.m.
- Triage List..... May 22 at 9:30 a.m.
- Case Conference Trial Readiness May 22 at 9:30 a.m.
- Cancelled Case Conference/Cancelled Trials/ISO. May 22 at 9:30 a.m.

ISSUED BY:

“Original signed by Acting Associate Chief Justice Dueck”

**The Honourable Acting Associate Chief Justice Allan Dueck
Court of Queen’s Bench (Manitoba)**

Date: April 2, 2020