



COURT OF APPEAL

Notice Regarding Modified Court of Appeal Procedures and Access to Court Proceedings during the COVID-19 Pandemic

Dated and Effective August 20, 2021

This Notice combines and replaces all previous Notices during the COVID-19 Pandemic. Where this Notice departs from the Court's Practice Directives or Rules, this Notice governs as a Pilot Project.

1. How to File Documents and Materials

- ✓ Filing directions are provided in the [Notice Regarding Modified Filing Directions in Civil and Criminal Appeals](#).

2. Appeal Hearings and Chambers Proceedings

Mode of Hearing

- ✓ Appeal hearings and chambers hearings will take place in person in the courtroom, unless a party or parties either elect or apply to appear remotely, as described below.
- ✓ Masking and physical distancing requirements are being maintained. There are strict capacity limits in the Courtrooms as follows:
 - **For Appeals:** A maximum of SIX (6) persons at counsel tables;
 - **For Chambers (applications):** A maximum of FOUR (4) persons at counsel tables.
- ✓ If the number of parties appearing exceeds these capacity limits, parties **must decide between themselves** who will appear via Zoom and submit the [Request to Appear Remotely](#) form on the applicable timeline. If an agreement cannot be reached, the Chambers Scheduler or Registrar will assign parties to appear via Zoom.
- ✓ Parties should use discretion as to whether they should enter the Courtroom prior to their assigned hearing time to allow public and media to observe proceedings in limited gallery space.

Selecting a Mode of Hearing for Appeals

- ✓ **For appeal proceedings or reviews, if a party wishes to appear by video conference** they must apply for permission to do so by filing the [Request to Appear Remotely](#) at least ten (10) business days before the appeal hearing takes place. Appearances by telephone are not permitted for appeals. If a form is not received on these timelines, the Court will assume the party wishes to appear in person.

Selecting a Mode of Hearing for Chambers

- ✓ **For chambers proceedings (applications)**, a party must file the same [Request to Appear Remotely](#), but will not require permission unless ordered otherwise; they will check a box on the request form to elect to appear by video conference or teleconference.
- ✓ The [Request to Appear Remotely](#) must be filed with the notice of motion, or, in the case of a responding party, together with any response to the application, at least two (2) business days before the chambers proceeding takes place. If a form is not received on these timelines, the Court will assume the party wishes to appear in person.

Scheduling Chambers

- ✓ Counsel/litigants must coordinate their availability and [check the online list of available dates before](#) filing a chambers application in accordance with [Booking Civil Chambers Applications \(Civil Practice Note, 8 May 2017\)](#), and should check again just before e-filing.
- ✓ Whatever mode of hearing is elected by individual parties, each chambers hearing is scheduled at a particular time. Registry staff will contact counsel/litigants with a specific time and any additional information such as video conference or teleconference information.
- ✓ The chambers scheduler, as a Deputy Registrar, has the final say on the reassignment of dates and times, if necessary.

Appearing by Video

- ✓ For both appeal and chambers proceedings, appearances by video will be via Zoom displayed on a television screen in the courtroom. The judge(s) hearing the matter and the other parties will be present in the courtroom unless the Court directs that they appear by video conference.
- ✓ Directions on video conference hearings and etiquette are provided in the [Notice to the Public Regarding Video Conference Proceedings](#).

3. Hearings before the Registrar

- ✓ All hearings set to proceed before the Registrar will follow the same process described above for chambers proceedings (applications).

4. Access to Hearings

Hearings in a Courtroom

- ✓ To observe matters proceeding in the courtroom, check the [Court's weekly hearing list](#) or the bulletin board in the lobby at 800 Smithe Street. The lists will indicate the name of the proceeding, the mode of hearing and, if applicable, the courtroom number. Any special instructions to accommodate social distancing (e.g. overflow space for observers) will be announced on the [BC Court of Appeal announcements page](#) and on the [BC Court of Appeal's Twitter feed](#).

Appeal Hearings with at Least One Party by Zoom [Hybrid Appeal Hearings]

- ✓ Beginning 7 September 2021, for appeal hearings where at least one party will appear by video conference, the [Court's weekly hearing list](#) will include a publically accessible video link and members of the public will have the option of observing the hearing remotely by clicking on the link. Hybrid appeal hearings will also be open for members of the public to observe from the courtroom; however, to maintain social distancing usually no more than three to seven observers will be permitted at one time.

Facemasks & Additional COVID-19 Precautions

- ✓ Facemasks or face coverings are strongly encouraged for those attending courthouses in British Columbia. Facemasks are required in courtrooms unless the presiding judge, justice, master, or registrar directs otherwise.
- ✓ Courtroom spaces will be routinely disinfected.
- ✓ Parties attending the courtroom should bring their own supply of water, as water glasses and pitchers are no longer provided.

Policy on Use of Electronic Devices in Courtrooms

- ✓ The Court's [Policy on the Use of Electronic Devices in Courtrooms](#) applies to all court proceedings including those conducted remotely by video or teleconference. This means that members of accredited media may audio record proceedings for the limited purpose of verifying their notes. Any other audio or video recording of the proceeding including screen shots or other photographs is prohibited. Anyone who uses an electronic device in a manner prohibited by the policy is subject to sanction, including prosecution for contempt of court.

Media Access to Digital Audio Recordings (DARS)

- ✓ Any requests for access to court audio recordings (post-hearing) by accredited media should be made by completing the usual [access to audio request form](#) and attaching a [remote access to DARS undertaking](#) to the automatically generated email before submitting the request. Requests will be processed by Court Services Branch personnel in the usual manner. If access is granted, the requestor will receive an email confirmation and a link to a digital FTP site to remotely access the requested audio recording.

5. Self-Represented Litigants

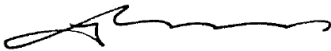
- ✓ Self-represented litigants are expected to comply with the processes set out in this notice.
- ✓ Anyone e-filing materials in the Court of Appeal or preparing to appear before the Court by Zoom video conference may contact the Canadian Bar Association BC Branch at members@cbabc.org for technical support with managing PDF Adobe or Zoom video conference software.

6. Registry Contact Information

General Inquiries: 604.660.2468
Maria Littlejohn, Court Scheduler: 604.660.2865
Matthew Soo, Chambers Scheduler: 604.660.2859
Kristine Dhamrait, Registrar Scheduler: 604.660.2729

The forgoing is subject to change. Any updates will be posted on the BCCourts.ca website.

Dated 20 August 2021, at Vancouver, British Columbia



By Direction of Robert J. Bauman, Chief Justice of British Columbia