

THE HONOURABLE ROBERT J. BAUMAN
CHIEF JUSTICE OF BRITISH COLUMBIA



THE LAW COURTS
400 - 800 HORNBY STREET
VANCOUVER, B.C.
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COURT OF APPEAL

Updated Notice to the Public Regarding Access to Court Proceedings During the COVID-19 Pandemic

Dated 6 November 2020

Note: this Notice replaces the Notice to the Public Regarding Access to Court Proceedings During the COVID-19 Pandemic dated 7 July 2020

Introduction

Since 13 July 2020, the Court of Appeal has been able to hear all appeals by video conference or in the courtroom, in consideration of the preference of the litigants/counsel, unless social distancing guidelines cannot be met or unless other factors make an in-courtroom hearing unsuitable or impractical. All chambers applications and Registrar's appointments continue to be conducted by teleconference or in writing, unless otherwise directed.

The Court of Appeal is taking the following steps to ensure that accredited media and other members of the public have access to, and can observe, court proceedings during this exceptional time. The Court of Appeal is committed to the open court principle and will be examining additional steps to ensure all members of the media and public can access Court proceedings. The Court asks for patience as it works to fulfill its appellate function and Constitutional functions while adopting new technology and procedures.

Access to Video and Teleconference Proceedings

The Court's [weekly hearing list](#) and [chambers list](#) are updated daily and indicate which matters are proceeding by video conference, in the courtroom or by teleconference.

Access to Video Conference Proceedings

To observe matters proceeding by video conference click on the public link provided on the Court's [weekly hearing list](#). This will allow you to join the video conference as an observer live from your device. Note that the public link may not be posted until the morning the video conference is set to proceed and, if you do not already have the Zoom application downloaded on your device, you can follow the prompts to install it, or join the meeting over the web. In order to maintain appropriate decorum during a video conference proceeding, the judges and the people making submissions to the court will not be able to see or hear the people observing.

Access to Hearings in the Courtroom

To observe matters proceeding in the courtroom, check the Court's [weekly hearing list](#) or on the bulletin board in the lobby at 800 Smithe. The lists will indicate the name of the proceeding, the mode of hearing and, if applicable, the courtroom number.

The Court has made adjustments to the physical facilities in the courtrooms to ensure hearings will comply with public safety guidelines. At this time, all in-courtroom hearings will take place in courtrooms 50 or 60. Anyone wishing to observe a hearing in a courtroom should be aware that because of social distancing guidelines, usually no more than seven observers may be accommodated at one time. For appeals anticipated to draw a large number of observers, the Court will consider proceeding by videoconference in order to ensure people wishing to observe are able to do so.

Additionally, people attending courthouses in British Columbia are strongly encouraged to wear face masks, including in entrances, waiting areas, registries, hallways, stairways, restrooms and elevators. If you do not have a face mask, Sheriffs will provide one when you enter the courthouse. Children under two years of age, persons with a medical condition or disability that inhibits wearing a face mask and persons who are unable to place or remove a face mask without assistance are exempt. While inside individual courtrooms the presiding justice or registrar may modify this recommendation.

While wearing a face mask can reduce the spread of infection, it does not substitute for physical distancing, which must be maintained whenever possible. All people attending courthouses in British Columbia are asked to be familiar with all health and safety protocols (including those developed by the [Court Services Branch](#)) and to cooperate in observing them in order to protect everyone in courthouses in this province.

Access to Teleconference Proceedings

To observe matters proceeding by teleconference submit a [Request to Attend Teleconference Proceedings](#) no later than 12 noon the day before the hearing date. Late requests cannot be processed in time to respond with the dial-in information you will need.

The number of callers that can be connected through a single teleconference number is limited and priority will be given to parties to the proceeding and members of accredited media. More than one person may listen to the proceeding from a single phone.

Note that counsel are permitted to share connection details with their co-counsel and clients if they will be listening from separate phones, however, connection details should not be shared with anyone else. Counsel are asked to inform the registry if they require connections for more than 10 separate telephones.

In order to maintain appropriate decorum during a teleconference proceeding you must dial into the teleconference at the set time. The court will not disrupt ongoing proceedings to connect you. Additionally, anyone observing must mute their microphone so as to limit the possibility of disruptions from background noise.

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 Participation in Court Proceedings

In any appeals where the media wishes to make submissions, such as where a publication ban is opposed or challenged, accommodations for participation will be arranged in the same manner as for other parties, detailed in the Court's Notice to the Public Regarding the Court of Appeal's Response to COVID-19 dated 6 November 2020. [\[hyperlinked\]](#)

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.

Access to Court Records

The Court will continue processing requests for access to the court record in the usual manner as prescribed under the Court of Appeal's [Record and Courtroom Access Policy](#).

Dated 6 November 2020, at Vancouver, British Columbia

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

