



MAY 13 2020

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No. 002  
Vancouver Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

## RELATING TO THE COURT'S RESPONSE TO THE COVID-19 PANDEMIC

## ORDER

BEFORE THE HONOURABLE  
CHIEF JUSTICE HINKSON

)  
) Wednesday, the 13th day of  
) May 2020  
)

ON THE COURT'S OWN MOTION:

WHEREAS

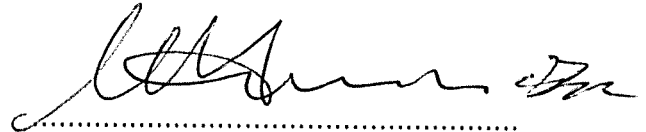
1. On March 18, 2020, pursuant to the *Emergency Program Act*, R.S.B.C 1996, c. 111, the Minister of Public Safety and Solicitor General made Ministerial Order No. M073 declaring that a state of emergency exists throughout the whole of the Province of British Columbia because of the COVID-19 pandemic, and has since extended the provincial state of emergency;
2. On March 19, 2020, I suspended regular operations of the Supreme Court of British Columbia ("Court") at all of its locations to protect the health and safety of Court users and to help contain the spread of COVID-19;
3. On April 22, 2020, the Minister of Public Safety and Solicitor General made Ministerial Order No. M121. The Order authorizes me and the Associate Chief Justice to make certain orders until the state of emergency expires or is cancelled; and
4. To facilitate the just, speedy and inexpensive determination of proceedings while protecting the health and safety of Court users, until the conclusion of the suspension of the Court's regular operations, I have determined that trial management conferences, as well as judicial case conferences and chambers proceedings that are scheduled for hearings on the trial list, must proceed by telephone, and that in certain circumstances the timeframes for holding trial management conferences, and filing trial briefs, trial records and trial certificates must be abridged.

THIS COURT ORDERS THAT:

1. All trial management conferences held during the Court's suspension of regular operations will be heard by telephone, unless the Court otherwise orders. For greater clarity:
  - a. the requirements in Rule 12-2(4) of the *Supreme Court Civil Rules* and Rule 14-3(4) of the *Supreme Court Family Rules* that attendance at a trial management conference be in person does not apply to trial management conferences held during the Court's suspension of regular operations; and
  - b. the requirements in Rule 12-2(6) of the *Supreme Court Civil Rules* and Rule 14-3(7) of the *Supreme Court Family Rules* that an application be made respecting the manner in which a person is to attend a trial management conference does not apply to trial management conferences held during the Court's suspension of regular operations.
2. Trial management conferences that were scheduled to be heard between March 19, 2020 and May 29, 2020, and were adjourned by virtue of the Court's suspension of operations, for a trial that is scheduled to begin between June 8 and July 24, 2020 are not required to take place at least 28 days before the scheduled trial date. For greater clarity:
  - a. the requirements in Rule 12-2(1) of the *Supreme Court Civil Rules* and Rule 14-3(1) of the *Supreme Court Family Rules* that a trial management conference must take place at least 28 days before the scheduled trial date does not apply to trial management conferences for the trials described above, and these trial management conferences may take place less than 28 days before the scheduled trial date.
3. For family matters, the timeframe for filing a trial record for a trial that is scheduled to begin between June 8 and July 24, 2020 is abridged. The party who filed the notice of trial must file and serve the trial record at least 1 day before the scheduled trial date. For greater clarity:
  - a. The requirement in Rule 14-4(3) of the *Supreme Court Family Rules* that a trial record must be filed at least 14 days before but not more than 28 days before the scheduled trial date does not apply to trials that are scheduled to begin between June 8 and July 24, 2020.
4. For family matters, the timeframe for filing a trial certificate for a trial that is scheduled to begin between June 8 and July 24, 2020 is abridged. Each party must file a trial certificate at least 7 days before the scheduled trial date. For greater clarity:
  - a. The requirement in Rule 14-5(2) of the *Supreme Court Family Rules* that a trial certificate must be filed at least 14 days before but not more than 28 days before the scheduled trial date does not apply to trials that are scheduled to begin between June 8 and July 24, 2020.

5. For family matters, in situations where a trial certificate must be filed and served before or on the date of the trial management conference, the trial certificate may be completed to reflect that due to COVID-19, a trial management conference has not yet been conducted in this family law case but is scheduled to take place on the specified date. For greater clarity:
  - a. The requirement in Rule 14-5(3) of the *Supreme Court Family Rules* that a trial certificate must contain a statement that a trial management conference has been conducted in the family law case does not apply in situations where a trial certificate must be filed and served before or on the date of the trial management conference and Form F46 may be completed to reflect this.
6. For civil matters, the timeframes for filing trial briefs for trial management conferences scheduled to take place between June 1 and July 24, 2020 shall be abridged as follows. The plaintiff must serve and file a trial brief at least 14 days before the date set for the trial management conference. Each party of record other than the plaintiff must file and serve a trial brief no later than 7 days before the date set for the trial management conference. For greater clarity:
  - a. The timeframes in Rules 12-2(3) and 12-2(3.1) of the *Supreme Court Civil Rules* for parties to file and serve trial briefs do not apply to trial management conferences taking place between June 1 and July 24, 2020.
7. For civil matters, the timeframe for filing a trial record for a trial that is scheduled to begin between June 8 and July 24, 2020 is abridged. The party who filed the notice of trial must file and serve the trial record at least 1 day before the scheduled trial date. For greater clarity:
  - a. The requirement in Rule 12-3(3) of the *Supreme Court Civil Rules* that a trial record must be filed at least 14 days before but not more than 28 days before the scheduled trial date does not apply to trials that are scheduled to begin between June 8 and July 24, 2020.
8. For civil matters, the timeframe for filing a trial certificate for a trial that is scheduled to begin between June 8 and July 24, 2020 is abridged. Each party must file a trial certificate at least 7 days before the scheduled trial date. For greater clarity:
  - a. The requirement in Rule 12-4(2) of the *Supreme Court Civil Rules* that a trial certificate must be filed at least 14 days before but not more than 28 days before the scheduled trial date does not apply to trials that are scheduled to begin between June 8 and July 24, 2020.
9. For civil matters, in situations where a trial certificate must be filed and served before or on the date of the trial management conference, the trial certificate may be completed to reflect that due to COVID-19, a trial management conference has not yet been conducted in this action but is scheduled to take place on the specified date. For greater clarity:

- a. The requirement in Rule 12-4(3) of the *Supreme Court Civil Rules* that a trial certificate must contain a statement that a trial management conference has been conducted in the action does not apply in situations where a trial certificate must be filed and served before or on the date of the trial management conference and Form 42 may be completed to reflect this.
10. A party on whom a notice requiring a jury trial in Form 47 has been served may apply for an order that the trial or part of it be heard by the Court without a jury on any basis set out in Rule 12-6(5) of the *Supreme Court Civil Rules*, including convenience and proportionality, given the cancellation of jury selections and jury trials up to and including September 7, 2020.
11. All judicial case conferences and chambers proceedings that are scheduled for hearings on the trial list and held during the Court's suspension of regular operations shall be heard by telephone, unless the Court otherwise orders. For greater clarity:
  - a. the requirements in Rule 22-1(5) of the *Supreme Court Civil Rules* and Rule 10-3(5) of the *Supreme Court Family Rules* regarding hearing of chambers applications in public does not apply.
12. This Order will remain in effect until the Court's suspension of regular operations is cancelled or until further order by me.



Chief Justice Christopher E. Hinkson

Supreme Court of British Columbia