

# COURT OF QUEEN'S BENCH OF NEW BRUNSWICK

## COVID-19 DIRECTIVE:

### COURT OPERATIONS DURING LEVEL 3 OF THE PROVINCE OF NEW BRUNSWICK'S COVID-19 WINTER PLAN

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In the event that the Province of New Brunswick enters Level 3 of the COVID-19 Winter Plan, the operations of the Court of Queen's Bench will continue to follow all the measures as set out in the December 21<sup>st</sup>, 2021 directive with the addition of the following measures:

#### **Continuations**

1. All trials and any other in-person matters in progress when the Level 3 provisions come into effect will continue until they are concluded.

#### **Criminal Matters Proceeding**

2. All scheduled criminal matters in which the accused is in custody during the period of the Level 3 restrictions, excluding jury trials, will be heard at the locations and on the dates that they are scheduled to proceed unless virtual or telephone appearances are available and approved by the presiding judge.

3. All criminal matters currently scheduled to proceed by way of virtual hearing or telephone, including applications, pre-trial motions, bail reviews, detention reviews and sentencing hearings will be heard on the dates that they are scheduled to proceed.

#### **Criminal Matters Adjourned**

4. All in-person criminal matters in which the accused is not in custody, scheduled for hearing during the period the Province remains at Level 3, other than those listed in paragraph 3, are adjourned unless otherwise specified by the Chief Justice, until the April Motions Day.

5. Jury trials, other than those listed in paragraph 1, will be suspended while the Province remains at Level 3. Jury trials suspended during this period will be adjourned until the April Motions Day.

#### **Civil, Family, and Child Protection matters proceeding**

6. All Civil and Family matters, including matters before the Case Management Masters, currently or as may be scheduled to proceed by way of virtual hearing or telephone will be heard as scheduled.

7. All Child Protection matters will be heard at the locations and on the dates that they are scheduled to proceed unless virtual or telephone appearances are available and approved by the presiding judge.

### **Civil and Family Matters Adjourned**

8. All in-person civil and family hearings, other than the hearings identified in paragraphs 1, 5 and 6 of this directive, currently scheduled during the period of Level 3 restrictions, are adjourned *sine die* unless otherwise specified by the Chief Justice, on application and based on unusual or urgent circumstances.

### **Small Claims Hearings**

9. All small claims hearings, other than those scheduled to proceed virtually or by telephone, on consent of the parties, will be adjourned during the Level 3 restrictions.

### **Judgment Debtor Examinations**

10. All judgement debtor examinations are adjourned during the period of Level 3 restrictions.

### **Bankruptcy Hearings**

11. All bankruptcy discharge hearings will proceed virtually or by way of telephone. Any bankruptcy discharge hearing that requires an in-person appearance will be adjourned during the period of Level 3 restrictions.

### **Chambers Matters**

12. All Chambers matters will continue to be received and processed by the Judiciary. Any Chambers matter that the presiding judge determines requires an appearance prior to its disposition, will be dealt with by way of a telephone or a virtual hearing. If the presiding judge is of the view that there are unusual or urgent circumstances that require an in-person appearance, the judge retains the discretion to schedule an in-person hearing.

**This directive, issued by the Honourable Tracey K. DeWare, Chief Justice of the Court of Queen's Bench of New Brunswick, on January 13, 2022, is effective immediately and until further notice.**