**MEMO**

DATE: **March 31, 2022**

TO: **OCJ Judges, Justices of the Peace, Crown Attorney, Defence**

**Bar and Court Staff**

FROM: **Justice Leszczynski – Local Administrative Justice**

Attached is a summary of the Chief Justices’ Interim plan for criminal appearances which will come into effect on **Monday, April 4, 2022**.  I would like to set out the anticipated changes this will create for the Judges’ Courts in the OCJ in Sarnia and the interim plan going forward, as we move towards more in-person appearances:

1. **Trial Courts:**

As of April 4, 2022, trial courts are presumed to be in person, unless there is consent to proceed by zoom or the presiding judge has ruled otherwise.  All previously scheduled trials, however, will proceed as they were originally scheduled (eg. If it was agreed that they would proceed by zoom when the trial dates were set, they will continue to take place by zoom, unless counsel have since agreed otherwise and the Court is notified in a timely manner).

1. **Regular Plea Courts:**

We are strongly encouraging that all pleas will be in person or by video and are discouraging audio appearances from hereon in, unless there are exceptional circumstances warranting the need for an audio-only attendance, and the presiding judge has provided their approval.

Counsel shall advise the Court, when a matter is scheduled for plea, whether it will be in person or by video.

For out-of-custody matters, they may continue to proceed by video if both the accused and the Crown consent and neither party is seeking custody.  As a general rule, in such cases, all parties must have a workable video connection to the courtroom.  If an accused person appears in person, it is expected that his or her counsel must do so as well, to ensure appropriate and seamless communication between accused and counsel, unless there are exceptional circumstances and the presiding judge has provided their approval to do otherwise.

As of April 4, 2022, all in-custody pleas will be either by video or in person.  If an accused wishes to proceed with a plea by video, counsel must ensure that the involved institution can accommodate a video appearance **before the plea date is set**.  The arrangements are to be made through the trial coordinator’s office with at least 2 clear business days’ notice prior to the setting of the plea.  If this cannot be arranged **prior to the plea being scheduled**, the plea must proceed in person.

If counsel wish to traverse a matter for plea directly from Bail Court or Case Management Court into a Judge’s Court on the same day, this will be arranged through the trial co-ordinator and will be scheduled on a “time-permitting” basis only.

1. **Specialized Courts**

There will not be any immediate changes to our specialized Courts for the time being (eg. Youth court, Wellness Court, Indigenous Persons Court, Walpole Island First Nation Court, JICMC). Accused persons will continue to appear by zoom as they have been, unless they do not agree to do so, in which case they can schedule an in-person appearance. The Court Committees involved in these specialized courts will be working in the upcoming months to determine if and when any changes need to be made to the mode of appearance for individuals appearing in these courts and if and when any changes are made, this will be widely communicated to the local bar and justice stakeholders.

We will continue to schedule matters, as we have been, with specific times being allotted, based on counsels’ time estimate for each matter. This, however, may be subject to change, depending on the volume of in-person matters that are scheduled over the upcoming weeks and months. We will include this as a topic for discussion at our next CCMC meeting held on April 20, 2022.

We appreciate your patience and anticipated co-operation as we transition back to more in-person appearances and our “new normal.”

Justice Leszczynski, LAJ – Lambton County