



Chief Judge Shannon L. Metivier
Provincial Court of Saskatchewan Annual Update

June 17, 2021

Thank you for inviting me to provide an annual update for the CBA Saskatchewan Annual Meeting on June 17, 2021. I greatly appreciate the opportunity to keep CBA members informed of new developments at the Provincial Court.

COVID-19

As a result of the COVID-19 pandemic, the Court has had to modify its processes and increase the use of technology to reduce the number of people physically present in the courtroom. This has been accomplished in the following ways:

- counsel and unrepresented accused are encouraged to appear by telephone on all matters except trials and preliminary inquiries;
- in-person hearings are conducted at permanent court locations where they can be held in compliance with Public Health Guidelines and it is considered safe to do so;
- for consent adjournments, parties can email written consent and avoid appearing in Court;
- phones are provided to new arrests to appear from police detention;
- most bail hearings and sentencings are conducted by video or telephone;
- Court documents for sentencing such as the conditions of CSO's and probation orders are read by the Court to the accused and then delivered by email or mail;
- increased use of case management conferences and trial management hearings;
- Web-ex video platform for civil case management conferences and the appearance of witnesses who are unable to attend in-person;
- renting larger facilities to accommodate matters that involve a larger number of participants.

While many of these changes have been well received, the following concerns have been expressed:

- audio/video problems;
- additional time spent connecting to counsel and the accused;
- media concern over lack of access;
- increased workload for police and correctional officers;
- informality of proceedings detracting from the solemn demeanour of the Court;
- potential for lack of procedural fairness arising from not being physically present in the courtroom;
- limited contact with probation officers, youth workers, and aboriginal court workers to assist the accused and the Court.

The Court plans to begin re-opening circuit points on June 21, 2021. Further information about the re-opening can be found on the Provincial Court web page, <https://sasklawcourts.ca/>.

Throughout the pandemic, lawyers and the Court have been focussed on finding ways to continue the delivery of vital services to the public. Because of this, the trial delay in most locations is not as serious as it otherwise would have been.

Court Locations

The Court has 13 permanent offices and 61 circuit points. Effective September 1, 2021, the Provincial Court at Lloydminster will be converted into a circuit point location, served from North Battleford. Court sittings will continue but there will no longer be a resident judge or Provincial Court Office in Lloydminster. Court proceedings in Lloydminster will continue to be held at 4815-50th Street.

While not an easy decision, this move will strengthen the Court's capacity to better serve communities throughout the midwest region. Centralizing judicial resources allows for a shared workload and streamlined scheduling, both of which will improve the Court's ability to respond to community needs and to decide cases in a timely manner.

No changes are being made to the Lloydminster, St. Walburg or Onion Lake schedules at the present time. These can also be found on the Provincial Court web page, <https://sasklawcourts.ca/>. Notice will be provided in the normal course if scheduling adjustments are made.

Judiciary

The Provincial Court has 49 judges at full complement. The following appointments have occurred since the last CBA annual meeting:

Judge Jeffrey Lubyk	February 3, 2021	Prince Albert
Judge Michael Tomka	April 14, 2021	Meadow Lake

Judge Lubyk was appointed to fill the vacancy left by Judge Kalenith's retirement. Judge Tomka was appointed to Meadow Lake following the transfer of Judge Baldwin to North Battleford.

Aboriginal Court Worker Program

In the last provincial budget, the government announced additional funding for community-based organizations that deliver services for the Aboriginal Court Workers Program. This is an exciting and welcome development given the important contribution of court workers in providing access to justice, particularly in northern communities.

Cameras in the Courtroom

The Court of Queen's Bench and the Provincial Court have been working together to formalize a process for media to apply to Court for authorization to record or broadcast court proceedings. It is expected that a Practice Directive will be available on the website soon.