

**Notice to the Profession and the Public:  
Virtual Criminal Case Management Appearances in Fort Erie  
Beginning September 8, 2020  
(Published September 2, 2020)**

The Court has been actively working to adopt technology that will allow accused persons and/or counsel to attend criminal case management appearances using remote technology. Beginning September 8, 2020, counsel and accused persons who are out of custody will be able to attend for criminal case management appearances in Fort Erie by videoconference or audioconference (telephone) using Zoom.

The Court expects to begin implementing virtual criminal case management courts at other court locations later in September. Please continue to check the [Ontario Court of Justice website](#) for updates.

Further information about criminal proceedings in the Ontario Court of Justice is available in the [COVID-19: Notice to Counsel and the Public re: Criminal Matters in the Ontario Court of Justice](#).

**Note:** The automatic adjournment of criminal case management appearances due to the COVID-19 pandemic has resulted in large dockets. In addition, it will likely take all participants some time to adapt to the new procedures and technology involved in conducting these appearances using remote technology. The Court encourages and appreciates the cooperation and patience of all participants, particularly at the beginning of this initiative. The Court will revise and refine the procedures for these virtual case management courts, as appropriate, based on feedback and as court operations continue to evolve in response to the COVID-19 pandemic.

**1) Virtual Criminal Case Management Appearances in Fort Erie**

Beginning Monday September 8, 2020, counsel and accused persons who are out of custody will be able to attend for criminal case management appearances in Fort Erie by audioconference (telephone) or videoconference using Zoom.

Case management appearances include a “first appearance” and matters scheduled “to be spoken to” or to “set a date”. They do not include trials, preliminary hearings, guilty pleas or sentencings.

This Notice applies to matters involving accused persons who are out of custody scheduled in the following criminal case management courts in:

**Fort Erie Courtroom #2  
Third Tuesday of the Month – All matters are heard remotely  
in Welland @ 9:00 am**

This Notice applies to all matters on the docket in the courtrooms listed above, and may include matters in other courtrooms, such as trials or preliminary inquiries, that were adjourned to the case management court.

## **2) Remote Appearances Using Zoom**

Criminal case management appearances will be conducted using Zoom, which allows participants to join by videoconference or audioconference (telephone). Please know your phone number.

A Zoom account is not required to participate in Zoom hearings. You can download Zoom at <https://zoom.us/> free of charge. User tutorials for Zoom are available at: <https://support.zoom.us/hc/en-us/articles/206618765-Zoom-Video-Tutorials>

Until further notice, criminal case management appearances will be conducted by remote appearance (audioconference or videoconference) only. Attendance in criminal case management courtrooms will be restricted to the judicial official and essential court staff, unless a judicial official directs otherwise.

The number of people who may be present in the courthouse and in the courtroom remains restricted in order to comply with health and safety precautions and maintain safe physical distancing to prevent the spread of COVID-19. For this reason, in-person attendances for criminal court case management appearances can not currently be accommodated. If you have a case management criminal court appearance in the Ontario Court of Justice in Fort Erie, **do not attend court in person.**

## **3) Appearances by Counsel**

Counsel are strongly encouraged to attend case management court appearances by videoconference.

The Court expects that counsel will notify their clients that criminal case management appearances have resumed and that the client is required to attend by videoconference or audioconference, unless counsel is appearing on their behalf.

## **4) Appearances by Accused Persons**

Accused persons are encouraged to attend case management court appearances by videoconference. However, accused persons who cannot attend by videoconference may attend by audioconference (telephone). Please know your phone number. If you do not know your next court appearance date call the court office at 905-735-0010.

Self-represented accused persons are encouraged to contact Legal Aid Ontario before the day of their criminal case management appearance. Legal Aid Ontario has provided the following information for self-represented accused persons:

Please contact Legal Aid Ontario well in advance of your court appearance. If you would like **general legal advice, or if you want to apply for legal aid**, call the central Legal Aid Ontario number at **1-800-668-8258**. If you want to speak to a local Duty Counsel, and are eligible, Duty Counsel may provide you with legal advice and assistance for your court appearance. At this time local Duty Counsel cannot guarantee same day assistance; it is therefore strongly recommended

that you contact Legal Aid Ontario and/or Duty Counsel well in advance of your court date. **The local Duty Counsel office can be reached by phone at 905-685-8695.**

You should contact the Crown Attorney's office at 905-732-1327 to obtain your crown screening form and disclosure as soon as it is available to discuss with duty counsel.

The COVID-19 pandemic continues to present an extraordinary situation requiring ongoing restrictions on persons being able to attend courthouses in person. The Court recognizes that there may be accused persons who are unable to attend case management court by audioconference or videoconference. If an accused person does not attend for their criminal case management appearance, their matter will be adjourned to a date five (5) weeks from the scheduled appearance date, with a "[bench warrant with discretion](#)" returnable on the next date. Please check the Ontario Court of Justice website at <https://www.ontariocourts.ca/ocj/> or call the court at 905-735-0010.

The presiding judicial official may adjourn a matter to a different date where satisfied that it is in the interest of justice to do so, for example, where the accused person, although unable to attend court, has requested that their matter be adjourned to a specific date.

#### **5) Scheduling and Connection Information**

Each case management court has its own unique video link and its own unique telephone number / passcode combination that is needed to connect to the court. See:

[Fort Erie Virtual Case Management Court – Scheduling and Connection Details](#)

To facilitate more orderly proceedings and to limit the number of people waiting on the line to have their matters addressed, case management court lists have been subdivided into tiers. Counsel and accused persons are encouraged to connect to the case management courtroom at the time specified for their tier. However, the Court recognizes that, as a result of the automatic adjournment of matters and other scheduling changes, counsel may have conflicting court obligations which will prevent counsel from being able to attend during the allotted time.

The scheduling and connection information for criminal case management courts may change in response to the COVID-19 pandemic and as court operations continue to expand. Please continue to check the [Ontario Court of Justice website](#) for updates.

#### **6) Accused persons who are in custody**

Criminal case management appearances in Fort Erie for accused persons who are in custody will continue to be conducted by remote appearance (audioconference or videoconference), in accordance with the procedures in place since March 2020.

#### **7) Enhanced Designations of Counsel**

In response to the COVID-19 pandemic, and in order to limit the number of people who are required to attend court, the Court has issued a Practice Direction Authorizing

Alternate Form of Appearance where an Enhanced Designation of Counsel has been Filed.

Accused persons who are represented by counsel and who have filed an Enhanced Designation of Counsel may have their matters adjourned, without the accused personally appearing, in accordance with the procedure set out in the Practice Direction and in accordance with rule 4.5 of the Criminal Rules of the Ontario Court of Justice.

It is important for private counsel to note that Duty Counsel WILL NOT be providing agency services in the virtual case management courts even for counsel acting on a Legal Aid certificate, so it is important that private counsel arrange for their own agents or use the EDC.

## 8) Fort Erie Virtual Case Management Court – Scheduling and Connection Details

### Fort Erie Courtroom #2

Third Tuesday of the Month – All matters are heard remotely in Welland – 9:00 am

Fort Erie Connection information:

#### Joining by video

<https://ca01web.zoom.us/j/63897413522?pwd=SINWMzFnVFAYVHJNa2ZVYjZGeGp4dz09>

or <https://zoom.us/join>

Meeting ID: 638 9741 3522    Passcode: 381007

#### Joining by telephone

1-855-703-8985

Meeting ID: 638 9741 3522    Passcode: 381007

Virtual Counsel Sign up Sheet - Courtroom #2

[https://cla365admin-my.sharepoint.com/:x/g/personal/cla\\_cla365admin\\_onmicrosoft\\_com/EfrwP-XeZ8FGjAi8xN39Ea4BXcdAT2mhRIPFDa4G3XxO-g](https://cla365admin-my.sharepoint.com/:x/g/personal/cla_cla365admin_onmicrosoft_com/EfrwP-XeZ8FGjAi8xN39Ea4BXcdAT2mhRIPFDa4G3XxO-g)

### Fort Erie - Third Tuesday of the month Fort Erie matters heard in Welland

Time	Tier
9:00 am	All Matters

#### Local Contact Information

Fort Erie Duty Counsel office please call 905-685-8695

Fort Erie Provincial Crown: [virtualcrownwelland@ontario.ca](mailto:virtualcrownwelland@ontario.ca)

Fort Erie Public Prosecution Service of Canada: [admin@angerlaw.ca](mailto:admin@angerlaw.ca) or 905-688-4520.