New Protocol for Criminal Courts effective September 7, 2021

Dear Criminal Law Practitioners

Good morning.

I was recently part of a committee considering changes to Virtual Case Management Courts, including addressing matters 18 months or older, and whether a Justice of the Peace should preside in domestic courts.

Here is the new protocol effective next Tuesday.

1. A Judge will continue to preside over the IPV (DV) courts.

2.  The committee will assess further whether the in-custody remands will be moved to another court from the 201V docket in the future.

3.  A Judge will preside in a Judicial Case Management Court 5 days a week Mondays through Fridays beginning September 7, 2021. It will be housed in 201 court which is equipped with JVN.

The case management Judge will preside over the 201V 2:00 docket (including in-custody pleas and in custody set dates from CECC that have had a bail hearing and are appearing for case management) and the JCMC 9:00 and 2:15 dockets.

The JCMC dockets will be newly created dockets for out of custody matters 18 months old or greater that require case management. Counsel matters requiring judicial case management will be remanded to the 9:00 JCMC docket, and self-represented matters requiring judicial case management will be remanded to the JCMC 2:15 docket.

It is anticipated that as the JCMC lists grow that in custody set dates may need to be heard in another court, or a separate court may be required for JCMC matters. We will continue to assess whether some in-custody set dates can be accommodated in new arrest bail court between 9 and 11:00 a.m.. In custody matters that have not yet had a bail hearing will remain in bail court.

**JCMC Eligibility:**

Beginning September 1, 2021 Justices of the Peace presiding over the 201 9:00 and 10:30 lists are requested to adjourn any matters that are more than 18 months old (from the date the information was sworn) and that are not set for trial or scheduled to resolve on the next date (in P202 or before a Judge) to a JCMC docket for Case Management by a Judge. Matters being adjourned for case management from a 201 list to the JCMC court should be adjourned to a JCMC docket within three weeks. (we will not do mass same day traversals to the JCMC court as originally proposed beginning September 7, instead matters older than 18 months will be adjourned to a next date in the JCMC court).

1. The Judge presiding in the JCMC Court will be physically present in the court to facilitate use of the yellow judicial endorsement forms. This will allow ongoing communication between Judges and will facilitate monitoring of compliance with any case management directions. We will require technical support to ensure that JVN operates effectively with the Judge presiding in the courtroom.
2. Where a trial court becomes available to assist the JCMC court because a trial court list has collapsed, the trial judge from the other courtroom will assist with JCMC matters. This may include conducting same day pre-trials of matters in the JCMC court and pleas from JCMC matters. At the outset, only one Judge will be assigned to the JCMC court and we will monitor whether a second Judge is required to preside daily in a break-out courtroom or separate JCMC court.
3. The Newmarket JCMC will operate as a virtual court. Only the Judge and Court staff will be physically present in the courtroom, unless ordered otherwise by the court. Due to ongoing pandemic related public health concerns, and given the anticipated length of the Newmarket JCMC dockets, we do not have a courtroom large enough to accommodate having all persons on the JCMC dockets appear in person. The maximum number of persons that can be physically present in 201 court is 17.  We are satisfied that the majority of cases can be effectively case managed virtually. In exceptional cases, such as where an individual is unable to connect virtually, Judge’s will direct that persons appear in person.
4. It is hoped that duty counsel will be available to assist self-represented litigants on the JCMC lists in addition to assisting with the in-custody matters on the 201V list. There are ongoing discussions at the provincial level regarding the support that will be available from duty counsel for the JCMC court.
5. Judges will continue to preside over the IPV (DV) 102 dockets on Tuesdays and Wednesdays and we will assess further whether matters more than 18 months old should be traversed from the IPV courts to the JCMC court.

 Sincerely

Norman Panzica

Director York Region,  Criminal Lawyers Association