



## SUPREME COURT OF BRITISH COLUMBIA

**Effective Date:** 2023/09/05

**Number:** CPD - 6

**Title:**

### **Criminal Practice Direction**

#### **Appearances by Counsel and Accused Persons in Criminal Proceedings**

**Summary:**

*During the COVID-19 pandemic, directions were made that the default method of appearance for counsel and accused persons in certain types of criminal proceedings would be by remote means, unless the court otherwise ordered or directed. Based in part on consultation with the Bar, some of those directions are being continued until further notice. The following sets out the current and ongoing “default” methods of appearance by counsel and accused persons for various types of court appearances. Counsel or accused persons may nonetheless apply to appear by a different method, or a court may order or direct a different method of appearance.*

**Direction:**

**Default Method of Appearance by Counsel and Accused Persons**

1. The chart below at Appendix A sets out the default method of appearance for counsel and accused persons by hearing type. Counsel or accused persons may nonetheless request to appear by a different method, or the Court may order or direct a different method of appearance.
2. If there is no court appearance prior to the hearing for which counsel or an accused person wishes to change the method of appearance, counsel or an accused person may complete and submit the online application form available on the Supreme Court Scheduling webpage under the “Online Request Forms” heading, and [here](#). If counsel or an accused person is unable to access the online application form, they may obtain a hard copy of the form by visiting the Supreme Court Scheduling counter in the court registry or by telephoning Supreme Court Scheduling at the relevant court location.

3. If there is a court appearance prior to the hearing for which counsel or an accused person wishes to change the method of appearance, the request can be made at that scheduled court appearance.
4. If a request relates to a case where a judge is seized or assigned, the request for a different method of appearance should be made to that judge by way of the online application form or by any other means that is acceptable to the judge.
5. The method of appearance is at all times subject to the further order or direction of the Court.
6. [Administrative Notice 18: General Requirements for Microsoft Teams Video Hearings](#) (AN-18) sets out the minimum technical and other requirements for anyone participating in a court hearing by Teams video, and provides information regarding how to join a Teams video hearing. Anyone participating in or attending a Teams video hearing must read and comply with AN-18.

**Heather J. Holmes**  
**Associate Chief Justice**

[Appendix A on next page]

## Appendix A – Appearances by Counsel and Accused Persons

Hearing Type	Default Method of Appearance
Judicial interim release (bail) and bail review hearings	<ul style="list-style-type: none"> <li>• counsel in person</li> <li>• accused in person or by video – an accused person or their counsel should indicate the preferred method when arranging or confirming the date for the hearing</li> </ul>
Scheduling hearings for s. 525 detention review hearings	see <a href="#">CPD-4</a> <ul style="list-style-type: none"> <li>• counsel in person or by Teams video or audio</li> <li>• accused by video</li> </ul>
Detention review hearings under s. 525 of the <i>Criminal Code</i>	see <a href="#">CPD-4</a> <ul style="list-style-type: none"> <li>• counsel in person</li> <li>• accused in person or by video – an accused person or their counsel should indicate the preferred method when arranging or confirming the date for the hearing</li> </ul>
Regular fix-date appearances	<ul style="list-style-type: none"> <li>• counsel: in person or by Teams video is preferred, but Teams audio is acceptable where appearing by video is not practicable</li> <li>• accused who is required or wishes to attend:               <ul style="list-style-type: none"> <li>○ in custody: video</li> <li>○ out of custody: in person or Teams video is preferred, but Teams audio is acceptable where appearing by video is not practicable – an accused person or their counsel should indicate the preferred method when arranging or confirming the date for the hearing</li> </ul> </li> </ul>
Pre-trial conferences and case management conferences	<ul style="list-style-type: none"> <li>• counsel: in person or Teams video is preferred, but Teams audio is acceptable where appearing by video is not practicable</li> <li>• accused who is required or wishes to attend:               <ul style="list-style-type: none"> <li>○ in custody: video</li> <li>○ out of custody: in person or Teams video is preferred, but Teams audio is acceptable where appearing by video is not practicable – an accused person or their counsel should indicate the preferred method when arranging or confirming the date for the hearing</li> </ul> </li> </ul>
<i>Voir dire</i> s and pre-trial applications	in person
Jury selections	in person
Trials	in person
Sentencing hearings	in person
Extradition hearings	in person
Summary conviction/traffic ticket appeals	in person
Applications under s. 490 of the <i>Criminal Code</i> - opposed or unopposed and over 15 minutes	in person
Applications under s. 490 of the <i>Criminal Code</i> - unopposed and under 15 minutes	in person or Teams video is preferred but Teams audio is acceptable where appearing by video is not practicable
Judgments	in person