



## In the Supreme Court of Bermuda

A/50

17 September 2021

**CIRCULAR NO. 13 OF 2021**

**TO ALL ATTORNEYS**

### **REDUCTION OF SERVICES (COVID-19)**

This Practice Direction is issued further to Circular 7 of 2021.

**The health, safety and welfare of the Members of the Public, as well as Court Administrative Staff continues to be our paramount concern.**

The continued surge of positive COVID-19 test results the island is experiencing continues to be of great concern to the community. As such, the Courts must reduce services further as part of protective measures which are necessary to implement in order to assist in the efforts to reduce the community spread of COVID-19.

It should be noted that both the Magistrates' Court and the Supreme Court of Bermuda **are in operation**, but reduced services and limited access is being implemented.

**WITH EFFECT FROM 17 SEPTEMBER TO 8 OCTOBER 2021:**

#### **GENERAL:**

- (i) Members of the Public are encouraged to email or call the Court in respect of any queries rather than attending Court offices. Queries may be emailed to [supremecourt@gov.bm](mailto:supremecourt@gov.bm) or made by telephone on 292-1350 in relation to the Supreme Court, or made by email to [magistratescourt@gov.bm](mailto:magistratescourt@gov.bm) or by telephone on 295-5151 in relation to the Magistrates' Court.
- (ii) The following Court services remain suspended until further notice:
  - (a) Swearing of affidavits; and
  - (b) Certifying Copies.

#### **SUPREME COURT:**

- (1) The Supreme Court and the Court of Appeal Registries (Government Administration Building, 2<sup>nd</sup> Floor and the Dame Lois Browne Evans Building, 3<sup>rd</sup> Floor) will be open **Monday through Friday from 8:30 a.m. to 1:00 p.m.**
- (2) **All hearings and trials currently listed during this period will not be heard in person. If the matter is unable to proceed via audio/visual means, the matter will be delisted administratively.** Counsel are therefore encouraged to contact the Supreme Court via email ([supremecourt@gov.bm](mailto:supremecourt@gov.bm)) to advise if all parties agree and are able for the matter to proceed via audio/visual means.

- (3) Please note there may be instances where the Courts are unable to accommodate holding the matter via audio/visual means due to lack of resources.
- (4) **Jury trials are suspended for the next two weeks. This position will be reviewed in two weeks in accordance with the general advice given by the Government. Jurors who have been summoned to appear on 20 September 2021 will not be required to appear. These jurors will be notified when they are required to appear.**
- (5) We are not accepting the filing of pleadings outside of the Registry hours set out in paragraph (1) above **via email** unless the parties have been directed to do so by the Judicial Department. As a reminder, all Supreme Court filings must be filed in hard copy with the requisite revenue stamps attached. If correspondence or applications are sent via email which are not explicitly stated as being urgent it is likely this correspondence will not be addressed.
- (6) Searches of the Supreme Court Cause Books will continue to be **by appointment only**. Search appointments will be available Monday through Friday between 9:00 a.m. – 1:00 p.m. Please send an email to [supremecourt@gov.bm](mailto:supremecourt@gov.bm) to schedule an appointment.
- (7) In order to assist law firms with being able to complete/advise on commercial transactions, the Court will continue to provide firms with an electronic copy of the Supreme Court Cause Book to show any new matters which have been entered from the previous search carried out:
  - (a) Requests to be sent the electronic copy of the Cause Book should be e-mailed to [supremecourt@gov.bm](mailto:supremecourt@gov.bm) with the subject matter being “Cause Book Electronic Search Request”.
  - (b) A scanned Search Praeceptum for this purpose should be attached to the email request and received by 1 p.m. each Tuesday and Friday.
  - (c) The request should include the last listing number recorded.
  - (d) The electronic copy of the Cause Book will be distributed at **3 p.m. each Tuesday and Friday.**

#### **MAGISTRATES’ COURT:**

##### **Filings / Cashiers Desk**

- (1) The Magistrates’ Court filing will be open **Monday to Friday from 8:45 a.m. to 1:00 p.m.**
- (2) The Cashiers Desk will be open each **Monday to Friday from 9:00 a.m. to 1 p.m.** Persons are encouraged to make payments via online banking where possible. If your case is in relation to a civil matter or a criminal matter (only if there is no warrant attached), you may call 295-5151 extension 1215 to make your payment via debit or credit card.

The following protocols **must** be adhered to otherwise you may be denied entry:

- (a) **Only ten (10) persons** who are making payments to the Cashiers will be allowed to enter DLBE at any given time.

- (b) Your face must be covered by a mask or other appropriate covering such as a scarf at all times upon entering the Dame Lois Browne-Evans Building (“DLBE”).
- (c) You must sanitize your hands prior to entering DLBE.
- (d) If you are showing any signs of illness, such as coughing, you will not be allowed to enter DLBE.
- (e) Persons shall practice social distancing by keeping six (6) feet from others at all times after entering DLBE.
- (f) You must bring your own pen to use to sign any documents/receipts necessary as one will not be provided.
- (g) Please ensure that you have your case number readily available so as to minimize the processing time of your payment.

### **Court Matters**

- (3) Magistrates’ Court Criminal matters will be conducted via a hybrid of in-person and remote hearings. The objective is to reduce the number of persons who come into the Court environs and therefore it is not anticipated at this time to have any matters administratively adjourned to a later date i.e. **all matters will still proceed.**
- (4) Therefore, the following Magistrates' Courts will be heard in-person and/or remotely (i.e. by Zoom):
  - (a) Plea Court
  - (b) Drug Treatment Court
  - (c) DUI Court
  - (d) Case Management Court
  - (e) Any other matters deemed appropriate by the presiding Magistrate.
- (5) Remote hearings will only pertain to defendants who have legal representation and where arrangements have been made between the DPP’s Office and Defence Counsel (collectively referred to as “Counsel”) to appear remotely.
- (6) If the represented defendant is unable to appear remotely then they shall appear in Court in-person unless they are required to be in quarantine or if they are experiencing any symptoms related to the COVID-19 virus. In such case, Defence Counsel shall undertake to advise their client of the adjourned date.
- (7) It shall be the responsibility of Counsel to (i) advise the Court in writing that they have a matter scheduled (at the latest the day before the scheduled date) and that they wish for it to be heard remotely, and (ii) in the case of Defence Counsel, to ensure that their clients appear remotely (Zoom details will be sent out to Counsel approximately 30 minutes prior to the Zoom hearing).
- (8) Unrepresented defendants shall appear in Court in-person unless they are required to be in quarantine or if they are experiencing any symptoms related to the COVID-19 virus. If so, then the unrepresented defendant shall immediately advise the Magistrates’ Court of such and they may be allowed to appear in Court remotely and/or be given an adjourned date.

- (9) The onus shall be on the unrepresented defendant to appear in Court in-person on the adjourned date and failure to do so will result in a warrant being issued for their **immediate arrest**.
- (10) All defendants held in custody at the Hamilton Police Station (“HPS”) or the Westgate Correctional Facility (“Westgate”) **shall** appear remotely unless their matter is for trial. Communication facilities will be provided by the HPS and Westgate so that the defendant may be able to provide instructions to their attorney.
- (11) **Trials, sentencing hearings, and bail applications will be heard in-person (unless the defendant is in custody)**. If Counsel or an unrepresented defendant wish for such proceedings to be adjourned due to health and safety concerns arising out of the COVID-19 pandemic then they **shall**, in writing, advise the clerk of the relevant Magistrates’ Court of such **by 12:00pm** at least the day prior to the scheduled hearing date. Failure or refusal to comply with the above requirement **may** result in the matter proceeding (It is accepted that an unrepresented defendant may not be able to comply with this requirement).
- (12) Counsel and the represented defendant **may** appear in Court in-person or remotely in order to obtain the adjourned date, **but unrepresented persons shall** appear in-person **unless** they are required to be in quarantine or if they are experiencing any symptoms related to the COVID-19 virus (in which case they shall appear remotely).
- (13) All defendants appearing in any of the Magistrates’ Courts for the first time to answer charges or for sentencing **shall** appear in-person **unless** (i) they are in custody at Westgate or in the HPS, and/or (ii) they are required to be in quarantine or if they are experiencing any symptoms related to the COVID-19 virus. Counsel may appear remotely.
- (14) **Mentions/Reviews may be heard remotely**. Counsel and represented defendants may appear remotely.
- (15) **Warrant matters shall be heard in-person**. Counsel may appear remotely.
- (16) It will be the responsibility of Counsel to file into Court any relevant documentation/submissions and/or to make any disclosure prior to the scheduled hearing date (such as in sentencing and case management matters).
- (17) **The presiding Magistrate and/or staff of the Magistrates’ Court reserve the right to require the in-person appearance of Counsel and/or the defendant in any proceeding.**
- (18) Persons can continue to contact the Magistrates’ Court via email using the table below.

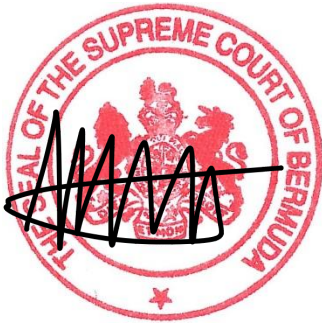
MAGISTRATES COURT EMERGENCY CONTACT	
DIVISION	EMAIL
CIVIL	<a href="mailto:civil@gov.bm">civil@gov.bm</a>
CRIMINAL	<a href="mailto:records@gov.bm">records@gov.bm</a>
FAMILY/JUVENILE	<a href="mailto:childsupport@gov.bm">childsupport@gov.bm</a>
MENTAL HEALTH COURT	<a href="mailto:aslsmith@gov.bm">aslsmith@gov.bm</a> / <a href="mailto:cfurbert@gov.bm">cfurbert@gov.bm</a>

BAILIFF	<a href="mailto:ccterry@gov.bm">ccterry@gov.bm</a>
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It should be noted that the health, safety and welfare of the Members of the Public, as well as Court Administrative Staff continues to be our paramount concern. Therefore we will continue to review and monitor the above. The public will be advised concerning any changes.

We thank you for your continued patience and understanding as we navigate through these unprecedented times.

Dated the 17<sup>th</sup> September 2021



**REGISTRAR**

CC: The Attorney-General's Chambers  
Department of Public Prosecutions  
Hamilton Police Station  
Commissioner of Police  
Commissioner of Corrections  
Magistrates Court  
Bermuda Bar Association  
Legal Aid Office