



In the Supreme Court of Bermuda

A/50

20 May 2020

CIRCULAR NO. 13 OF 2020

TO ALL ATTORNEYS

RE: UPDATED TRANSITIONAL RE-OPENING OF THE COURTS DUE TO COVID-19

This Practice Direction is issued further to Circular 12 of 2020.

As Bermuda continues to battle the effects of the COVID-19 pandemic, the Court will continue transitioning its re-opening to providing full services.

As the health, safety and welfare of the Members of the Public, as well as Court Administrative Staff continues to be our paramount concern, services will continue to be limited and be revisited further in two weeks.

The following provisions are effective for the period 25 May 2020 through 30 June 2020, but may be subject to change:

GENERAL:

- (1) Outside of the dates and times provided in this Practice Direction for the attendance of Members of the Public at the Supreme Court or the Magistrates' Court of Bermuda, all Court buildings remain closed to the general public.
- (2) Members of the Public must email or call the Court in respect of any queries rather than attending Court offices. Queries in relation to the Supreme Court should be emailed to supremecourt@gov.bm or made by telephone on 292-1350. Queries in relation to the Magistrates' Court should be made by telephone on 295-5151.
- (3) Any persons attending a Court building in accordance with the dates / times listed in this Practice Direction must have his or her face covered by a mask or other appropriate covering such as a scarf at all times upon entering any Court building. Entry will be denied if this is not complied with.
- (4) Any persons attending a Court building must sanitize his or her hands prior to entering any Court building.
- (5) If a person is showing any signs of illness, such as coughing, he or she will not be allowed to enter any Court building.
- (6) The following Court services will continue to be suspended until further notice:
 - (a) Swearing of affidavits
 - (b) Certifying Copies; and
 - (c) Criminal Record Checks.

SUPREME COURT

- (7) All hearings which involve witnesses and/or juries currently listed before the Supreme Court during the period 25 May to 30 June 2020 shall be adjourned administratively to a date to be fixed unless parties are advised otherwise by the Registry. The parties **are not** required to attend the Supreme Court, and will be contacted in due course concerning a date for the hearing to be listed Matters which have been fixed by the Registry during the "Shelter In Place" remain listed unless the parties are advised otherwise.
- (8) If an application is urgent, the parties **MUST** contact the Court by email at supremecourt@gov.bm **immediately** and explain the urgency of the matter so that this may be taken into consideration. The Court will make every effort to list any application that is considered urgent, with such urgency to be determined by the presiding Judge or Registrar.
- (9) If an application is listed for hearing as it has been determined to be urgent, the parties may be required to attend Court. Attendance by the parties and/or attorneys can be requested to be via telephone or an alternative form of audio visual technology (see Circular No. 8 of 2020) with at least 24 hours' notice (or at the earliest possible opportunity if time constraints do not allow for this notice period). The presiding Judge will determine if these requests for alternative attendance are approved and the parties and/or attorneys will be advised accordingly.
- (10) Until further notice, counsel are continued to be **discouraged** from overloading the email with general correspondence and/or pleadings which do not relate to matters of urgency. If general filings are attempted to be made via email it is likely they will not be addressed. If a party or attorney is unsure whether something should be submitted via email to the Court, kindly send an email seeking direction rather than emailing documents which are not related to an application which has been deemed to be extremely urgent.
- (11) If **directed** to submit documents to the Court electronically, submissions should be sent to supremecourt@gov.bm **only**. It is not necessary to copy in any other Supreme Court members of staff into the correspondence.
- (12) The Supreme Court Registry located on the 3rd Floor of the Dame Lois Browne Evans Building ("DLBE") will be open to general filings on **Mondays, Wednesdays, and Fridays from 9:30 – 12:30 p.m. only**. Until further notice, all Supreme Court filings should be filed at the Supreme Court Registry located at DLBE. This includes filings in relation to Civil and Commercial matters of the Supreme Court as the Registry located at the Government Administration Building, 2nd Floor ("GAB") will remain closed to the general public.
- (13) Searches of the Cause Books will be by **appointment only**. Searches will be permitted for a period of one hour per search request. Requests shall be made by email to supremecourt@gov.bm.
- (14) The Court will resume processing Search Praecipes. Persons who filed Search Praecipes in advance of the "Shelter in Place" will be contacted and offered an appointment to attend the Registry to inspect the files, or to collect copies of requested documents. Any new requests must be made by email to supremecourt@gov.bm. Once processed, attendance to inspect the files, or to collect copies of requested documents from the Supreme Court Registry at GAB will be by **appointment only**.

- (15) The following protocols **must** be adhered to in order to conduct a search of the Cause Books or to inspect a file:
- (a) Entry will only be permitted to those who have a scheduled appointment to attend.
 - (b) Only one person will be permitted to enter the Premises to conduct a search at any given time.
 - (c) All persons must sanitize their hands upon entry, and utilize gloves whilst searching the Cause Books or files.
 - (d) Your face must be covered by a mask or other appropriate covering such as a scarf at all times.
- (16) The Courts' delivery service will continue to be suspended. If you have queries regarding documents for collection please contact supremecourt@gov.bm.

MAGISTRATES COURT

- (17) All hearings listed before the Magistrates' Court during the period 25 May to 30 June 2020 shall be adjourned administratively to a date to be fixed unless parties are advised otherwise by the Courts. The parties **are not** required to attend the Magistrates' Court, and will be contacted in due course concerning the date they are required to attend for the matter to be heard. However, where parties have appeared before the Courts during the period 6 April to 20 May 2020 and have been given dates to reappear before the Court, those parties **must** appear as directed by the Magistrate. Should any other dates be set by way of Summons or by a Magistrate during the period 6 April to 20 May 2020, parties **must** appear.
- (18) Plea Court will be held each day commencing at 11 a.m. to deal with urgent cases.
- (19) The Magistrates' Court will open to the filing of new applications (including new matters and enforcement proceedings) in the Civil and Family divisions of the Magistrates' Court on **Tuesdays and Thursdays from 2:30 p.m. to 4:30 p.m. only**. Counsel and parties should note that there will be an unavoidable lag in the listing of new matters for hearing. This is due to following the guidelines issued by the Department of Health ("DOH") concerning social distancing as well as guidelines issued in respect of the public entering Government Buildings. In order to comply in particular with the DOH's guidelines with social distancing which require persons remain at least six (6) feet from one another and restrict "gatherings" to ten (10) persons, the Court will not be in a position to list the usual number of matters for hearing at any one time as the number of persons permitted to enter any court room must be limited. Please note other options are being explored diminish delays where possible.
- (20) The Cashiers Desk will be open on **Mondays, Wednesdays and Fridays from 9:30 to 12:30 p.m.** as well as on **Tuesdays and Thursdays from 9:30 to 12:30 and 2:30 to 4:30 p.m.** Persons are continued to be encouraged to make payments via online banking or by credit or debit card via telephone where possible.
- (21) The following protocols **must** be adhered to when entering the Dame Lois Browne Evans Building ("DLBE") otherwise you may be denied entry:
- (a) Your face must be covered by a mask or other appropriate covering such as a scarf at all times upon entering DLBE.

- (b) You must sanitize your hands prior to entering DLBE.
 - (c) If you are showing any signs of illness, such as coughing, you will not be allowed to enter DLBE.
 - (d) Only ten (10) persons who are making payments to the Cashiers will be allowed to enter DLBE at any given time.
 - (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.
 - (h) 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. Please note at this time, this is only a temporary measure which will be utilized and may not continue after the Courts are re-opened.
- (22) The Cashiers Desk and the Magistrates' Court's public access windows located on the 3rd Floor of DLBE will remain closed outside of the days and times noted above.
- (23) If an application is **urgent**, the parties **MUST** contact the Court by email **immediately** using the table below and explain the urgency of the matter so that this may be taken into consideration. The Court will make every effort to list any application that is considered urgent, with such urgency to be determined by the presiding Magistrate.

MAGISTRATES COURT EMERGENCY CONTACT	
DIVISION	EMAIL
CIVIL	civil@gov.bm
CRIMINAL	records@gov.bm
FAMILY AND JUVENILE COURT MATTERS	childsupport@gov.bm
BAILIFF	ctterry@gov.bm

- (24) If an application is listed for hearing as it has been determined to be urgent, the parties **may** be required to attend Court. Attendance by the parties and/or attorneys can be requested to be via telephone or an alternative form of audio-visual technology (see Circular No. 8 of 2020) with at least 24 hours' notice (or at the earliest possible opportunity if time constraints do not allow for this notice period). The presiding Magistrate will determine if these requests for alternative attendance are approved and the parties and/or attorneys will be advised accordingly.

We will continue to review and monitor the above and whether they should be extended and/or expanded, and the public will be advised concerning any changes.

We thank you for your continued patience and understanding as we navigate through these unprecedented times, and apologise for any inconvenience the above may cause.

Dated the 20th day of May 2020.



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

ANW/ct