



Supreme Court of Newfoundland and Labrador

The Honourable Raymond P. Whalen
Chief Justice

Chief Justice's Chambers
Court House, 309 Duckworth Street
St. John's
Newfoundland and Labrador
A1C 5M3

March 13, 2020

The Honourable Andrew Parsons, MHA
Minister of Justice and Public Safety and
Attorney General of Newfoundland and Labrador
4th Floor, East Block, Confederation Building
PO Box 8700
St. John's, NL A1B 4J6

Dear Minister,

Re: Suspension of jury trials March 17, 2020 to May 31, 2020

Please be advised that the Supreme Court of Newfoundland and Labrador will suspend the hearing of jury trials not otherwise in progress. This exceptional decision is not taken lightly and will only remain in place until such time as we feel confident that jury selection and a jury trial can take place with minimal public health risk to those citizens affected.

The *Jury Act*, 1991, S.N.L. c. 16, imposes upon individuals served with a jury summons a legal obligation to comply and to attend at the court on the date designated in the summons. Further, non-compliance with a jury summons may attract legal repercussions including the imposition of fines. In particular, please note sections 22 and 38 of the *Jury Act* which provide as follows:

“Jurors summoned

22. (1) The persons selected for the jury panel shall be summoned to appear by the sheriff in the form set out in the rules, at least 7 days before the trial of the cause.

(2) The summons shall be served upon each prospective juror personally or left for that juror at his or her usual residence or place of business by

- (a) leaving the summons with a person at that usual residence, or
- (b) leaving the summons with an employee at that business,

where that person or that employee appears to be at least 16 years of age, or

- (c) the summons shall be served by ordinary mail.

(3) The summons referred to in subsection (2) shall also include a notice, in a prescribed form, indicating the manner of applying for exemption as a juror.

Failure to appear

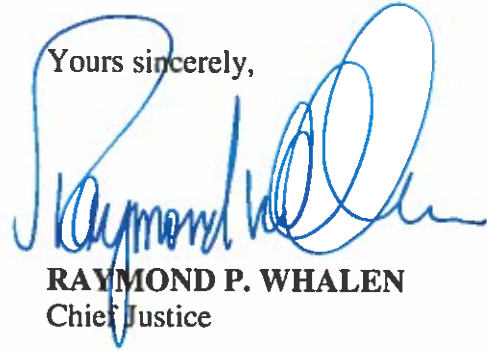
38. Where a person who has been summoned to serve as a juror fails to appear and serve, that person may be brought before the court and if, in the opinion of the judge, that person was not prevented by sickness or other reasonable cause from appearing and serving as a juror as required in the summons, that person is guilty of an offence and liable on summary conviction to a fine of up to \$1,000 or to a term of imprisonment of up to 6 months or to both the fine and imprisonment.”

At the present time, the recommendations from federal and provincial health authorities are to practice social distancing and to be cautious in attending public spaces or events in order to slow or prevent the potential spread of COVID-19. Individuals who have been served with a jury summons would have a legal obligation to attend at the designated Courthouse, despite the current health advisories in place. Further, the pre-trial screening of prospective jurors at this time does not include any measure to avoid the participation of citizens who may be at high risk should they contract COVID-19 nor does it allow for elimination of individuals who may have travelled recently from an area considered to be high risk as identified by the CDC and WHO. Finally, individuals who may now be subject to self-quarantine as a result of medical recommendations or other governmental requests would still have a legal obligation to attend jury selection.

In order to ensure that all citizens are treated fairly and that no one is put in the difficult position of choosing to follow medical recommendation or a jury summons, all jury trials will be adjourned until May 31, 2020. In the interim, the Court will work closely with the sheriff’s office and the department of health to identify measures that can be implemented on a temporary basis into the jury selection process to deal with the exceptional circumstances created by COVID-19. The Court is mindful of the constitutional right of all accused persons to a trial within a reasonable period of time. We are optimistic that, if necessary, measures can be put in place to allow for the continuation of jury trials within the Province while at the same time protecting the health and safety of those citizens who are called to participate.

Therefore, all jury trials within the Province of Newfoundland and Labrador scheduled to take place between March 17, 2020 and May 31, 2020 will be adjourned to a later date. In the event that COVID-19 remains a public health threat following May 31, 2020 additional screening procedures will need to be put in place to allow for the continuation of jury trials within parameters that do not unnecessarily burden individuals who may be at particular risk as a result of this unfortunate illness.

Yours sincerely,



RAYMOND P. WHALEN
Chief Justice

RPW/th

cc: The Honourable Chief Justice Fry, Court of Appeal of Newfoundland and Labrador
The Honourable Chief Judge Goulding, Provincial Court of Newfoundland and Labrador
The Honourable Justices of Supreme Court of Newfoundland and Labrador
Law Society of Newfoundland and Labrador
The Canadian Bar Association of Newfoundland and Labrador
Shelley Organ, CEO, Supreme Court of Newfoundland and Labrador
Jennifer Mercer, Q.C., Deputy Minister of Justice and Public Safety
Dan Chafe, Office of the High Sheriff