



THE PROVINCIAL COURT  
OF BRITISH COLUMBIA

Effective Date: *18 July 2022*

**CRIM 13**

## PRACTICE DIRECTION

### INITIAL APPEARANCE COURT

#### Purpose

Further to [Notice 28 Current Court Operations](#), the purpose of this Practice Direction is to set out some interim guidelines to govern initial appearance court (IAR) during this phase, while ensuring that people only come to IAR in-person when necessary.

#### Directions

##### A. Alternatives to Attending Court

1. Counsel should endeavor to avoid unnecessary personal attendances of the accused or counsel at the courthouse wherever possible. Attendance at court should be limited to appearing on a matter scheduled in court where something substantive is happening.
2. The [Consent Arraignment](#) form (**Form 4**) may be used as an alternative to a personal appearance for adult criminal matters for entering not guilty pleas, elections, as well as for setting dates for preliminary inquiries, trials, hearings and/or pre-trial conference (see [CRIM 12 Criminal Pre-Trial Conferences](#) to determine if a pre-trial conference is required).
3. If the only purpose is to adjourn a matter to another date, neither counsel nor their client should attend court. The [Consent Requisition form](#) (**Form 1**) may be used to:
  - a. change an appearance date;
  - b. cancel an interim appearance;
  - c. request an earlier appearance;
  - d. indicate a guilty plea;
  - e. set a date for sentencing;
  - f. schedule an application before a judge; or
  - g. cancel trial date(s) and schedule a disposition hearing (but not adjourning a trial).

To email any of these forms to the Court, please see the email contact information for the applicable local JCM Office [here](#) or as noted on the forms.

4. See [2013 CPD-1 CCFM Practice Direction](#) and [CRIM 08 Criminal Caseflow Management Rules Forms and Procedure](#) for further information about these forms.

## **B. Default Method of Attendance**

Where a Consent Arraignment Form or a Consent Requisition Form has not been filed and an appearance at IAR is necessary, the accused and counsel may attend court either in person or remotely (“hybrid”) without having to make an application (and no advance notice is required). For MS Teams remote attendance, counsel must attend by videoconference or apply to the court to attend by audioconference only (see [Notice 21](#)).

## **C. In Person Appearances**

1. For those cases where in-person appearances are necessary, the following processes may apply.
2. Legal Aid:
  - Legal Aid BC (Legal Aid) intake workers may be present at some courthouses to take applications and help accused find counsel. Check with the local legal aid office to determine if legal aid staff will be on site and on which days.
  - Where Legal Aid duty counsel is present at courthouses they will assist the accused. Assistance may include:
    - i. describing the IAR process;
    - ii. assisting the accused to connect with Legal Aid BC to make an application;
    - iii. where Legal Aid BC intake staff are not at the court location, collecting information to facilitate a legal aid application;
    - iv. assisting to have the accused adjourned to another date; and
    - v. where feasible, providing summary advice and assistance.
  - The process by which the accused will be adjourned will depend on procedures determined at the applicable local court location.
  - Files may be resolved on these appearances where feasible for the Court and the participants.
3. At the accused’s first court appearance, an abbreviated disclosure package may be available at locations where Crown counsel are appearing in person. Full disclosure will subsequently be available electronically upon request to Crown counsel by counsel for the accused. Self-represented litigants will be requested to contact local Crown counsel offices by email or telephone to schedule the pickup of paper disclosure packages in circumstances that require it.
4. If the matter needs to be adjourned, it should generally be adjourned for a sufficient period up to eight weeks to allow an accused to obtain disclosure, make a Legal Aid

application (if applicable), retain counsel, and receive advice. The aim is to ensure that by the next court date, the accused is in a position to do something substantive such as fix a date for a trial or pre-trial conference or resolve the file.

5. Defence counsel, upon accepting a Legal Aid contract, must advise the Crown counsel office responsible for the prosecution that they are representing the accused. Defence counsel are encouraged to do so in writing.
6. Counsel must communicate with each other before any court appearance so that the appearance will result in something substantive happening. If not, counsel must adjourn the matter to another date without the parties having to attend court.
7. Court appearances are not required to obtain disclosure.
8. Individual court locations may have established different processes for in-person appearances. Please contact the applicable local JCM office if you require information about the operation of IAR at the applicable local court location.

#### **History of Practice Direction**

- Original Practice Direction effective June 12, 2020.
- October 1, 2020: Housekeeping changes – reference to “more than half a day” revised to “more than one day” further to the revised CRIM 12 Practice Direction.
- October 7, 2020 revised to delete historical information that was in the “Application” section.
- February 2, 2021 deleted “Pre-trial conferences” section as CRIM 12 Practice Direction is now linked; consequential amendment to para. A3 further to revised CPD-1 Practice Direction; and housekeeping changes.
- July 18, 2022: adds Part B. Default Method of Attendance and housekeeping changes.

I make this practice direction pursuant to my authority under the *Provincial Court Act*, R.S.B.C. 1996, c. 379, and Rule 3 of the *Criminal Caseflow Management Rules*.

Melissa Gillespie  
Chief Judge  
Provincial Court of British Columbia