



Effective Date: 2025/02/05

Number: PD - 67

Title:

Practice Direction

Gowning Policy for Counsel

Summary:

This Practice Direction sets out the court's direction about for which appearances counsel are expected to gown. This Practice Directions applies to all appearances, whether in person or virtual.

Direction:

1. PD-11 dated 2018/10/26 is rescinded.

Criminal, Quasi-Criminal, and Extradition Proceedings

2. In criminal, quasi-criminal, and extradition proceedings, counsel are to gown for the following appearances unless the presiding judge otherwise directs:
 - bail hearings, bail reviews, and s. 525 detention review hearings
 - elections (or changes of election) by the accused person as to mode of trial
 - plea hearings
 - application screening conferences (for cases subject to CPD-3)
 - pre-trial applications, including *Rowbotham* applications, and *voir dires* (but not including applications brought before charges are laid)
 - contested applications for bans on publication

- applications to withdraw as counsel
 - hearings to determine the accused person's fitness to stand trial or participate at other stages of the process
 - jury selections
 - trials and extradition hearings
 - sentencing proceedings (including for dangerous offender or long-term offender designations)
 - applications for a stay of proceedings based on unreasonable delay
 - summary conviction appeals
 - *habeas corpus* applications, and
 - s. 745.6 (faint hope) hearings.
3. In criminal and quasi-criminal proceedings, counsel are not required to gown for the following appearances unless the presiding judge otherwise directs:
- appearances for the Crown to prefer a direct indictment
 - applications under s. 490 of the *Criminal Code*
 - scheduling hearings for s. 525 detention reviews
 - fix-date hearings
 - s. 530 inquiries
 - pre-trial conferences, case management conferences, and all other conferences except CPD-3 application screening conferences, and
 - pre-charge applications, including for warrants, Part VI authorizations, mutual legal assistance, or other investigative measures, or for determinations of solicitor-client privilege.

Civil and Family Proceedings

4. In civil and family proceedings, counsel are to gown for the following appearances unless the presiding judge otherwise directs:
 - trials, except for summary trials
 - post-trial appearances, including applications for costs or for directions from a judge to settle the terms of an order
 - appeals from orders made in the Provincial Court, and
 - applications for *habeas corpus*.
5. For clarity, counsel are not required to gown for conferences in civil and family proceedings.

Further Information

6. If counsel are unsure about whether they are expected to gown, they may contact the Supreme Court Scheduling department for the location of the appearance to seek further direction from the Court.

Ron A. Skolrood
Chief Justice

Heather J. Holmes
Associate Chief Justice