



# Action Committee on Modernizing Court Operations

## PLANNING FOR AND RESPONDING TO EMERGENCIES IN THE COURTS

### ***A Statement from the Action Committee***

*Our Committee supports Canada's courts in their modernization efforts. It provides guidance for addressing challenges, and highlights opportunities and innovative practices to modernize court operations and improve access to justice for court users.*

### **1. ISSUE AND CONTEXT**

Our courts are an essential frontline service responsible for ensuring equitable access to justice and upholding democracy, the rule of law, and social order. Their role is particularly important in times of crisis, when strains on individuals and communities can increase the need for independent and impartial dispute resolution.

Both the COVID-19 pandemic and the increased frequency of disrupting events, such as severe weather and wildfires, have highlighted the need for courts across Canada to have clear response and continuity plans to minimize operational disruptions in the face of future emergencies. Chief Justices and other officials responsible for court operations are encouraged to proactively assess emergency risks and develop response and continuity measures.

This publication outlines considerations for two major stages in preparing for an emergency. The first is taking stock of regular court operations – considering both the needs of court users and the resources required to function – and considering how they may be affected by an emergency. The second stage is to develop a plan to both respond to the emergency and continue operations in the face of its effects.

As courts are generally equipped to deal with short-term emergencies such as minor building fires or short-term power outages, this publication focuses on emergencies that will affect court operations for a length of several days to months. For guidance on immediate emergency response, see the Canadian Centre for Occupational Health and Safety's [Emergency Planning Fact Sheet](#).

#### **1.1 Guiding Principles for Emergency and Business Continuity Planning in the Courts**

While many elements of emergency and business continuity planning are common to all institutions, and all organizations should be aware of relevant regulatory requirements in their jurisdiction, additional constitutional and legal considerations apply to the courts. As such, the following principles should guide efforts to develop and implement court emergency response and business continuity plans:

- **The administration of justice is a joint responsibility.** The judiciary and the executive branch are each responsible for different elements of the administration of justice. Understanding who is responsible for which component of court operations, and having clear decision-making and communication channels, is key for emergency planning in the courts.
- **Justice must be available and accessible.** As an essential frontline service, courts must continue to hear urgent and essential cases, even in an emergency. And while courts may need to adjust their operations, this should not create additional barriers to access, particularly for marginalized populations.



## Action Committee on Modernizing Court Operations

- **Legal rights must be protected.** A range of legal considerations affect court operations, including statutory limitations for initiating legal claims, and the human and legal rights of court users and the public. Courts safeguard protected rights, including the rights of the accused to a fair trial; the right to bail for persons in custody; and the right to trial within a reasonable time. Furthermore, unlike many other sectors of society, the courts have the power to compel people to attend, and failure to do so can result in the loss of rights: an arrest warrant may be issued against an absent accused or witness in criminal matters, or a litigant might lose their right of action in civil matters. Emergency responses must uphold these rights.
- **Courts should be open.** To maintain accountability, transparency, and public confidence, courts are generally open to the public. This principle is particularly relevant when designing responses to emergencies that disrupt normal access to court facilities. For more information on upholding the open courts principle in emergencies, see the Action Committee's tip sheet on [Virtual Access to Hearings: Privacy, Security and Confidentiality Considerations](#).

### 1.2 Defining Emergency Preparedness and Continuity Planning

Emergency preparedness and business continuity are related, but separate, concepts. The objective of **emergency preparedness** is to anticipate different emergency scenarios, map out their potential impacts, and identify appropriate steps to prevent injuries, illness, and fatalities; reduce loss of property; and protect the environment and the community. **Business continuity planning** describes how a business or service will continue operations in situations and events that can compromise normal functioning. In the courts, the twin objectives of business continuity are to provide uninterrupted access to justice of the highest possible quality and to facilitate a return to normal operations as soon as possible.

## 2. STAGE ONE: UNDERSTANDING HOW EMERGENCIES CAN IMPACT THE COURTS

Before developing an emergency plan, courts should identify the essential elements of their operations and consider how different types of emergencies might affect those elements. Following a [risk assessment](#) process can help courts to identify:

- What types of emergencies are most likely to occur (for example, a courthouse near a river may be more likely to flood, while locations within fallout radius of a nuclear plant should be prepared respond to a nuclear incident, however unlikely it may be)
- What elements of court operations can be affected (such as staff, court users, or access to facilities) and to what extent
- Appropriate response measures, such as protocols, training, or drills

Emergencies may be caused by natural hazards or arise from either intentional or accidental human actions. By considering how various scenarios can affect the disparate elements of its operations, a court can increase its ability to respond to them. While the likelihood of some situations occurring may be more remote than others, recent experience – ranging from the COVID-19 global pandemic to the wildfire evacuation of almost 70% of the population of the Northwest Territories – has shown that extraordinary emergencies do happen. By considering a range of scenarios, including those that seem less probable, a court will have more tools to respond to unlikely events in the future. Emergencies that could disrupt the operations of Canadian courts in the medium- to long-term include:



## Action Committee on Modernizing Court Operations

- Natural disasters, including earthquakes, wildfires, and flooding
- Extreme weather such as winter storms, strong winds, or tornadoes
- Pandemics or other major health emergencies
- Violent attacks in the court, civil unrest, or protests that affect the court facility or the community it serves
- Cyber-attack on the infrastructure of the court or key justice actors such as police or Crown
- Bombs or explosions that affect the court facility or the community it serves
- Building fire or other infrastructure issue affecting the court facility
- Technology failures, including telecommunications failure
- Nuclear disaster

Many emergencies will affect multiple elements of a court's operations, including court users and different essential resources, as described below. Mapping out scenarios with multiple impacts and different durations will assist a court in developing effective plans and prioritizing response and continuity measures.

### 2.1 Impacts on Court Users

Since courts exist to serve the public, a key consideration in emergency response and business continuity must be how court users – meaning the litigants, victims, witnesses, and other members of the public who benefit from the court's services – will be affected. This consideration is particularly relevant when making decisions around:

- What essential and urgent matters to prioritize if operating below full capacity
- The minimum standards required for running in-person hearings
- The conditions in which a matter may be adjourned
- How to communicate information about emergency response measures, including modified schedules and procedures, to hearing participants, the media, the Bar, and the public
- How to communicate the courts' needs to emergency response officials
- How to maintain public confidence in the courts, including:
  - Taking measures to uphold the open courts principle
  - Maintaining staff and public confidence in measures taken to ensure safe operations including, for example, by engaging an independent expert to assess risks and develop response measures
- How to meet the unique needs of diverse and marginalized court users, to ensure their continued access to the courts. For example:
  - Circuit courts in remote communities may lack dedicated facilities, and may require judges, court staff and other hearing participants to travel
  - Persons with disabilities may rely on elevators, accessible communications, and electrically-powered aids
  - Court users who are Indigenous, have language barriers, are in custody, are self-represented, are experiencing homelessness, or are suffering from mental illness, may



## Action Committee on Modernizing Court Operations

require accommodations to facilitate their access to court services or their participation in hearings

To learn more about the potential impacts of emergencies on different populations, review the Action Committee's publications on the differential impact of the COVID-19 pandemic on [Marginalized Individuals](#), including those who:

- Live in [Northern, Remote and Indigenous Communities](#)
- Require [Interpretation and Translation Services](#)
- Have access to [Specialized Court Programs](#)
- Are [Self-Represented](#).

### 2.2 Impacts on Essential Resources

An emergency could limit access to any, or all, of the resources that a court relies on to carry out its operations, including judiciary and court staff, facilities, equipment and systems, and records. The effect of emergencies on resources that are not within a court's control can also affect its operations. A court should assess what resources it requires to continue to operate and, for different emergency scenarios, which would:

- Continue to be available at full force
- Continue to be available at reduced capacity
- Not be available, but a substitution can easily be found, or
- Not be available, with no ready substitution

To better understand the potential impacts of an emergency on their operations and identify viable solutions, courts should:

- Engage with all relevant actors during the assessment process to understand how they might be impacted or be able to help
- Map out and prioritize essential functions, based on criteria such as statutory timelines for initiating or defending a claim, the possibility of harm or lost rights if a function is not performed or is delayed, and input from a range of perspectives

A detailed consideration of how each key resource area may be affected by different types of emergencies can be found in Annex 1 to this document: Emergencies, Impacts, and Response Actions.

#### 2.2.1 Judiciary and Court Staff

The judiciary and court staff are key components of court operations. In an emergency, various factors may impede their ability to carry out their functions. For example:

- Restrictions on movement or on access to court facilities may impede their ability to work onsite
- Limited access to technology, equipment or records may impede their ability to work remotely
- Prioritizing the safety and well-being of their families over work may impede their availability



## Action Committee on Modernizing Court Operations

- Stress and trauma may impede their mental health and, as a result, their ability to function efficiently. To mitigate associated challenges, see the Action Committee's [publications](#) on the effects of the COVID-19 pandemic on the mental health of the judiciary and court staff.

To address these impediments before and during an emergency, a court may need to:

- Articulate the conditions under which staff may telework
- Identify alternate individuals to perform key functions in the face of significant absences, and ensure that adequate back-ups have necessary financial authorities and are trained to use key equipment or systems
- Be prepared to respond to refusals to work if staff do not feel that conditions are safe
- Ensure supports are in place to address the mental health needs of judges and staff who experience stress or trauma

Effective court operations also rely on many other essential actors, including police, Crown counsel, the private bar, and victim, probation, and social services. As such, effective emergency response and business continuity requires working closely with these institutions to align approaches and prevent and overcome obstacles to effective operations. The media is also a key partner in emergency communication.

### **2.2.2 Facilities**

Facilities are the buildings that courts use to carry out their work, including courtrooms, administrative offices, judges' chambers, and storage facilities for records and equipment. The effects of emergencies on offsite facilities that house circuit courts or ancillary services, such as family mediation or mental health support programs, may also affect court operations. An emergency could limit or preclude access to the court's facilities, either temporarily or permanently, requiring it to relocate all or some of its functions.

Before an emergency, courts should:

- Assess whether other facilities under the court's control may be available, and how to share resources between courts as needed and feasible
- Identify appropriate alternate facilities, and what adaptations would be required to use them
- Obtain detailed information about potential alternate facilities, such as the in-person capacity or technological capability of all rooms
- Establish the conditions under which the courthouse or service counter will be closed, and what alternate measures may be needed to continue to provide essential services

During an emergency, a court may need to:

- Move all or part of court operations (such as hearings, registry services, or records) to another location, including being prepared to:
  - define minimal facility requirements
  - enter into an agreement for the use of alternate facilities
  - Support a smooth transition to new facilities by assigning a key role in emergency response to the individual or team who is responsible for court operations on a day-to-day basis



## Action Committee on Modernizing Court Operations

### 2.2.3 Equipment and Systems

Equipment and systems include the technological hardware, software, and digital systems that courts use. As courts increasingly use virtual technologies to manage hearings and information, the types of equipment critical to court operations are shifting. For example, a photocopier or printer is essential in a paper-based system, while laptops and multiple screens may be crucial in a digital environment.

An inability to access court facilities could cut the court off from the equipment that it normally uses to perform its functions, while an emergency that affects telecommunications, be it a storm or a cyber-attack, could render the court's digital systems inoperable.

Before an emergency, courts should:

- Develop and maintain an equipment inventory
- Ensure essential emergency equipment, as required by local regulation, is available and in proper working order

During an emergency, a court may need to:

- Retrieve and relocate essential equipment, if it is safe to enter the building but operations will be moved elsewhere
- Provide equipment that allows staff and the judiciary to work remotely when it is not possible to work onsite
- Access its systems remotely
- Quickly procure additional equipment to support emergency response and business continuity.

### 2.2.4 Records

Records are an essential aspect of court operations. They may be stored, and court documents may be filed, either physically or digitally, depending on the jurisdiction. As with equipment and systems, some emergency scenarios may have a greater impact on access to physical records, while others will affect digital ones. As such, access to records in both digital and paper formats mitigates the risk of disruptions to court operations that could occur because one type of record is unavailable. The ability of other key actors – including lawyers, ministries responsible for justice, police, and social services – to access their records will also affect a court's ability to operate during an emergency.

Before an emergency, courts should:

- Implement strategies to minimize the risks associated with only having records in one format

During an emergency, a court may need to:

- Continue to operate with limited, or remote, access to records
- Provide alternate means for the public and legal profession to file documents, and for staff and judges to access them

## 3. STAGE TWO: DEVELOPING A RESPONSE AND CONTINUITY PLAN

Thorough planning enables courts to respond to an ongoing emergency and to continue to operate in ways that minimize harm and mitigate lasting effects. Emergency response and



## Action Committee on Modernizing Court Operations

business continuity plans should: detail how to respond to plausible emergency scenarios; be tailored to the specific court and its users; and be simple to understand and follow.

In addition to the procedures and tools developed during COVID-19, existing plans for shorter-term emergencies, such as operational contingency plans, may serve as a starting point to plan responses to longer-term situations. Templates, checklists, flowcharts, and other tools can help courts develop and implement their emergency response and business continuity plans. To this end, Annex 2 includes a list of suggested emergency planning tools.

### 3.1 Define Key Players

One of the keys to successful emergency response and business continuity is knowing who is responsible for what and bringing the relevant organizations and individuals to the table. To achieve this, it is helpful to:

- Develop relationships with other branches of government, and particularly those with responsibility for emergency response, to ensure they understand the specific needs and role of the judicial branch. Building these relationships in advance of a crisis can support more effective collaboration when an emergency does occur.
- Establish a committee to create and maintain an emergency response and business continuity plan, including policies and procedures. The committee should include health and safety experts, members of the health and safety committee (management and worker representatives), and subject matter experts (as necessary).
- Define roles and responsibilities for daily operations and additional steps required to implement an emergency response or business continuity plan.
- Assign individuals or positions to each role, but avoid assigning multiple roles to the same person.
- Map out the decision-making authorities for elements of court operations that could be affected by an emergency, such as:
  - Closing or restricting access to court buildings
  - Cancelling, postponing, or changing the mode of hearings (for example, from in-person to virtual or vice versa)
  - Modifying hours of operation for the service counter or court sittings
  - Authorizing remote work for staff
  - Suspending or extending statutory delays or amending court procedures, including filing requirements or pre-hearing steps
- Establish and structure partnerships with relevant authorities or groups, including those who: use the court's services, work in the courts, provide essential services to the courts or their users, represent or serve marginalized court users within the community, or manage the emergency response at a community level. For more information and examples on how to structure partnerships effectively, see the Action Committee's guidance on [Multi-Stakeholder Collaboration](#).
- Maintain a decision-making group that is small enough to operate effectively and focus on responding to the emergency at hand, while establishing channels to inform all relevant parties.



## Action Committee on Modernizing Court Operations

- Identify court users who are marginalized or have special needs. Include community organizations who support those court users and consider ways to minimize the impact of the court's emergency response on the operations of these organizations.
- Identify reporting lines within the organizational structure to ensure sourcing, allocation, and utilization of resources can occur quickly.

### 3.2 Develop or Adjust Procedures and Processes

Continuing to function in an emergency will likely require a court to change the way it operates. Preparing procedures or processes to support business continuity may include:

- Developing emergency response procedures for each plausible emergency scenario identified in a risk assessment
- Preparing a list of statutory limitations and other urgent matters to prioritize in a situation of limited capacity, as well as guidance on extending or suspending timelines
- Making copies of all relevant operational procedures and policies easily accessible both in electronic and hard copy
- Mapping out which standing policies and procedures may need to be amended in different emergency scenarios, considering:
  - how in-person operations can be performed remotely, or vice versa
  - how to function with a drastically reduced number of judges or court staff
  - additional barriers to accessing justice that different groups may face, including, loss of access to technology, transportation, or support services

### 3.3 Plan for Emergency Supply Needs

In addition to being equipped to deal with immediate emergencies (by, for example, having adequate first aid equipment), a court should consider what supplies it may need to respond to longer-term disruptions. Consider *who* would need the supply, *when* and *where* it would be needed.

Acquiring the supplies required for an emergency may include:

- Pre-approving a supplier who can quickly provide emergency equipment or other goods when needed
- Entering into written mutual aid agreements with other organizations in advance of an emergency, to facilitate quick access to emergency supplies
- Regularly checking supplies onsite to ensure they are suitable to use in an emergency.

### 3.4 Keep Relevant Actors Informed

It is important to establish communication channels for the judiciary, staff, emergency response partners (such as public health, police, or fire services, depending on the nature of the emergency), lawyers, court users, community organizations, media outlets, and the public at large, before an emergency occurs. To prepare for effective emergency communications:

- Keep contact lists up to date





## Action Committee on Modernizing Court Operations

→ Develop a communication plan that will enable the court to deliver a message to media that shows empathy, is concise and accurate, maintains privacy and confidentiality, and refrains from proposing a potential cause before an investigation has been conducted.

Communication plans should consider:

- who will draft and authorize communications products and communicate with the media and other relevant actors
- different ways to convey information about changes in operations to those affected including, for example, on the website, through social media or e-mail, or through physical notices
- how to inform those with accessibility barriers (for example language limitations, a visual or hearing impairment, or no access to technology)
- alternate options when technological communication channels are unavailable

→ Develop templates for notices, practice directions, or other communication products that may need to be issued quickly in an emergency

Before and throughout an emergency, courts should ensure they keep the public, and particularly persons who are scheduled to appear in court, informed about changes in scheduling.

It is also important to train judges, court staff, and legal professionals on new or adjusted procedures and to inform or sensitize other court users as needed. Those holding an emergency response role must also receive appropriate training on the required competencies for their role. Relevant training may include how to:

- Install, configure, and use necessary equipment
- Perform non-routine duties, such as how to access physical records when electronic records are inaccessible
- Stay in contact with relevant personnel, including how to use video-conferencing software

### 3.5 Keep the Plan Current

It is crucial to test emergency response and continuity plans beforehand, and to continuously review and improve them during and after an emergency. Keeping plans current can involve:

- On-going training
- Emergency drills for all plausible scenarios, based on an annual schedule and following established emergency response procedures
- Tabletop exercises (a trial run of an emergency response procedure without physically conducting the response steps) that engage all relevant players
- Regular audits of resources compared to the court's emergency response and business continuity plans
- Continually seeking feedback and assessing how a plan is working during an emergency
- Conducting an after-action review once the emergency is over



# Action Committee on Modernizing Court Operations

## 4. ADDITIONAL RESOURCES

### 4.1 Helpful Organizations

The following organizations offer reliable guidance to support emergency response and business continuity planning:

- [Government Operations Centre \(Public Safety Canada\)](#): provides support and coordination in national emergencies
- [Provincial and territorial emergency management organizations](#): provide emergency support to their respective jurisdictions
- [Canadian Centre for Occupational Health and Safety \(CCOHS\)](#): offers occupational health and safety guidance
- [Canadian Government Departments Responsible for Health and Safety](#): receive reports on workplace incidents and enforce compliance with occupational health and safety legislation
- [Public Health Agency of Canada \(PHAC\)](#): provide public health guidance, especially relevant when there is a biological agent of concern, such as a pandemic virus
- [Workers' Compensation Boards in Canada](#): offers financial support to injured or ill workers

### 4.2 Useful Resources

- [Emergency Planning](#) – CCOHS
- [Flu and Infectious Disease Outbreaks Business Continuity Plan](#) – CCOHS
- [Emergency Response Planning Guide](#) – CCOHS
- [Emergency Preparedness for Workers](#) (e-course) – CCOHS
- [Emergency Response Planning](#) (e-course) – CCOHS
- [CSA Z1600:17 Emergency and continuity management program](#) – CSA Group
- [NFPA 1660 Standard for Emergency, Continuity, and Crisis Management: Preparedness, Response, and Recovery](#) – National Fire Protection Association (NFPA)



# Action Committee on Modernizing Court Operations

## ANNEX 1

### EMERGENCIES, IMPACTS, AND RESPONSE ACTIONS

Different types of emergencies can affect court operations very differently. This table outlines different emergency scenarios, their potential impacts, and response actions courts may need to take.

| Emergency Scenarios   | Potential Impacts   |   |   |   | Response Actions  |
|---|---|---|---|---|---|
|   | People  | Facilities  | Equipment and Systems   | Records   |   |
| Natural disasters, including earthquakes, wildfires, and flooding | <ul style="list-style-type: none"> <li>- Evacuation</li> <li>- Serious bodily harm or death</li> <li>- High stress</li> <li>- Transit challenges</li> </ul> | <ul style="list-style-type: none"> <li>- Closure of the court building</li> <li>- Damage to the court building</li> </ul> | <ul style="list-style-type: none"> <li>- Loss of property</li> <li>- Loss of access to equipment</li> </ul> | <ul style="list-style-type: none"> <li>- Loss of physical records</li> <li>- Loss of electronic records stored locally</li> </ul> | <ul style="list-style-type: none"> <li>- Shift to an alternate location</li> <li>- Shift staff to remote work, to the extent possible</li> <li>- Assess damage and repairs needed for building to be safely occupied</li> <li>- Identify and communicate priority matters that will proceed and updated schedules, timelines, and mode of hearing for other matters</li> <li>- Provide counselling and other support services for affected personnel</li> </ul> |
| Extreme weather such as winter storms, strong winds, or tornadoes | <ul style="list-style-type: none"> <li>- Serious bodily harm</li> <li>- Stress</li> <li>- Transit challenges</li> </ul>                                     | <ul style="list-style-type: none"> <li>- Closure of the court building</li> <li>- Damage to the court building</li> </ul> | <ul style="list-style-type: none"> <li>- Loss of property</li> </ul>  | <ul style="list-style-type: none"> <li>- Loss of access to physical records</li> </ul>  | <ul style="list-style-type: none"> <li>- Shift to an alternate location</li> <li>- Shift staff to remote work, to the extent possible</li> <li>- Assess damage and repairs needed for building to be safely occupied</li> <li>- Identify and communicate priority matters that will proceed and updated schedules, timelines, and mode of hearing for other matters</li> </ul>  |
| Pandemics or other major health emergencies                       | <ul style="list-style-type: none"> <li>- Mild to serious health effects, including death</li> </ul>   | <ul style="list-style-type: none"> <li>- Limits to building occupant capacity</li> </ul>                                  | <ul style="list-style-type: none"> <li>- Loss of access to “high-touch” equipment</li> </ul>                | <ul style="list-style-type: none"> <li>- Loss of access to physical records</li> </ul>  | <ul style="list-style-type: none"> <li>- Shift staff to remote work, to the extent possible</li> <li>- Set up a plan for temporary workers should a significant portion of the workforce get sick at the same time</li> </ul>   |



## Action Committee on Modernizing Court Operations

| Emergency Scenarios   | Potential Impacts  |  |   |   | Response Actions   |
|---|--|--|---|---|--|
|   | People   | Facilities   | Equipment and Systems   | Records   |  |
|   | <ul style="list-style-type: none"> <li>- High stress</li> </ul>  | <ul style="list-style-type: none"> <li>- Closure of the court building</li> </ul>                            |   | <ul style="list-style-type: none"> <li>- Loss of access to electronic records stored locally</li> </ul>   | <ul style="list-style-type: none"> <li>- Identify and communicate priority matters that will proceed and updated schedules, timelines, and mode of hearing for other matters</li> <li>- Provide counselling and other support services for affected personnel</li> </ul>   |
| Violent attacks in the court, civil unrest, or protests that affect the court facility or the community it serves | <ul style="list-style-type: none"> <li>- Immediate evacuation</li> <li>- High stress</li> <li>- Transit challenges</li> </ul>  | <ul style="list-style-type: none"> <li>- Closure of the court building</li> </ul>                            | <ul style="list-style-type: none"> <li>- Loss of property</li> <li>- Loss of access to equipment</li> </ul>                                     | <ul style="list-style-type: none"> <li>- Loss of access to physical records</li> <li>- Loss of access to electronic records stored locally</li> </ul> | <ul style="list-style-type: none"> <li>- Shift staff to remote work, to the extent possible</li> <li>- Identify and communicate priority matters that will proceed and updated schedules, timelines, and mode of hearing for other matters</li> <li>- Provide counselling and other support services for affected personnel</li> </ul>   |
| Cyber-attack on the infrastructure of the court or key justice actors such as police or Crown                     | <ul style="list-style-type: none"> <li>- Stress and other mental effects</li> </ul>  | <ul style="list-style-type: none"> <li>- Possible effects on building's systems, such as security</li> </ul> | <ul style="list-style-type: none"> <li>- Loss of access to electronic systems, including for scheduling, filing, and remote hearings</li> </ul> | <ul style="list-style-type: none"> <li>- Loss of access to electronic records</li> </ul>  | <ul style="list-style-type: none"> <li>- Use offline, non-electronic systems</li> <li>- Identify and communicate priority matters that will proceed and updated schedules, timelines, and mode of hearing for other matters</li> <li>- Identify and fix cybersecurity vulnerabilities</li> <li>- Investigate for breaches of privacy</li> </ul>                                |
| Bombs or explosions that affect the court facility or the community it serves                                     | <ul style="list-style-type: none"> <li>- Immediate evacuation</li> <li>- Serious bodily harm or death</li> <li>- Severe stress and other mental effects</li> <li>- Post traumatic stress disorder</li> </ul> | <ul style="list-style-type: none"> <li>- Damage to the court building</li> </ul>                             | <ul style="list-style-type: none"> <li>- Loss of access to equipment</li> <li>- Loss of property</li> </ul>                                     | <ul style="list-style-type: none"> <li>- Loss of physical records</li> <li>- Loss of electronic records stored locally</li> </ul>                     | <ul style="list-style-type: none"> <li>- Shift to an alternate location</li> <li>- Shift staff to remote work, to the extent possible</li> <li>- Assess damage and repairs needed for building to be safely occupied</li> <li>- Identify and communicate priority matters that will proceed and updated schedules, timelines, and mode of hearing for other matters</li> </ul> |



## Action Committee on Modernizing Court Operations

| Emergency Scenarios  | Potential Impacts   |  |  |   | Response Actions   |
|--|---|--|--|---|--|
|  | People  | Facilities   | Equipment and Systems  | Records   |  |
|  |   |  |  |   | <ul style="list-style-type: none"> <li>- Provide counselling and other support services for affected personnel</li> </ul>  |
| Building fire or other infrastructure issue affecting the court facility | <ul style="list-style-type: none"> <li>- Immediate evacuation</li> <li>- Serious bodily harm or death</li> <li>- Severe stress and other mental effects</li> </ul>                | <ul style="list-style-type: none"> <li>- Damage to the court building</li> </ul>   | <ul style="list-style-type: none"> <li>- Loss of access to equipment</li> <li>- Loss of property</li> </ul>                                    | <ul style="list-style-type: none"> <li>- Loss of physical records</li> <li>- Loss of electronic records stored locally</li> </ul> | <ul style="list-style-type: none"> <li>- Shift to an alternate location</li> <li>- Shift staff to remote work, to the extent possible</li> <li>- Assess damage and repairs needed for building to be safely occupied</li> <li>- Identify and communicate priority matters that will proceed and updated schedules, timelines, and mode of hearing for other matters</li> <li>- Investigate and address the source of the issue</li> </ul>  |
| Technology failures, including telecommunications failure                | <ul style="list-style-type: none"> <li>- Discomfort from, for example, loss of heating during winter</li> <li>- Bodily harm such as falling due to inadequate lighting</li> </ul> | <ul style="list-style-type: none"> <li>- No light, heat, or air conditioning</li> <li>- Mobility challenges for people who can't easily use the stairs</li> <li>- Closure of the court building</li> </ul> | <ul style="list-style-type: none"> <li>- Loss of access to electronic systems including for scheduling, filing, and remote hearings</li> </ul> | <ul style="list-style-type: none"> <li>- Loss of access to electronic records</li> </ul>  | <ul style="list-style-type: none"> <li>- Use offline, non-electronic systems</li> <li>- Identify and communicate priority matters that will proceed and updated schedules, timelines, and mode of hearing for other matters</li> </ul> <p><b>Power Outage</b></p> <ul style="list-style-type: none"> <li>- Use backup generator</li> <li>- Use offline, non-electronic systems (e.g., paper-based systems)</li> <li>- Consider shifting to remote work, if workers have access to power at home</li> </ul> <p><b>Telecommunications Failure</b></p> <ul style="list-style-type: none"> <li>- Have more than one internet service provider</li> </ul> |



## Action Committee on Modernizing Court Operations

| Emergency Scenarios | Potential Impacts  |   |  |  | Response Actions   |
|---------------------|--|---|--|--|--|
|                     | People   | Facilities  | Equipment and Systems  | Records  |  |
| Nuclear disaster    | <ul style="list-style-type: none"><li>- Immediate evacuation</li><li>- Serious bodily harm or death</li><li>- Severe stress and other mental effects</li><li>- Transit challenges (traffic in community)</li></ul> | <ul style="list-style-type: none"><li>- Damage to the court building</li><li>- Closure of court building</li><li>- Radioactive site</li></ul> | <ul style="list-style-type: none"><li>- Loss of property</li></ul> | <ul style="list-style-type: none"><li>- Loss of physical records</li><li>- Loss of electronic records stored locally</li></ul> | <ul style="list-style-type: none"><li>- Shift to an alternate location</li><li>- Shift staff to remote work, to the extent possible</li><li>- Assess damage and repairs needed for building to be safely occupied</li><li>- Identify and communicate priority matters that will proceed and updated schedules, timelines, and mode of hearing for other matters</li><li>- Provide counselling and other support services for affected personnel</li><li>- Only return to the site when radiation levels are safe for human occupancy</li></ul> |



# Action Committee on Modernizing Court Operations

## ANNEX 2

### ASSESSMENT AND PRACTICE TOOLS

Several tools can be used to develop and implement emergency response and business continuity plans. Useful templates for many of these products can be found in the National Center for State Courts' guide on [Continuity of Court Operations: Steps for COOP Planning](#).

#### 1. DEVELOPMENT TOOLS

Useful tools to assess a court's emergency readiness and developing a plan may include:

- **Risk assessment tools** to identify elements of court operations that may be vulnerable to different types of emergencies and pinpoint ways to mitigate those risks.
- **Business continuity questionnaires** to better understand the court's operations in non-emergency times in terms of human resources, facilities, equipment and systems, and records.
- **Business continuity planning tools** to systematically review the possible implications of different emergency scenarios and identify steps to address them. A simple planning tool could look like this:

| Event                          | Cause  | Problem  | Actions to continue business  | Actions to fix the problem  |
|--------------------------------|--|--|---|---|
| <i>Example</i><br>Power outage | <i>Example</i><br>Local failure of electrical system | <i>Example</i><br>- Unable to use electronic devices (computers, etc.)<br>- No electrical lighting<br>- No heating or air conditioning | <i>Example</i><br>- Use backup generator<br>- Use offline, non-electronic systems<br>- If problem persists for more than 1 day, consider shifting to remote work, if workers have access to power at home | <i>Example</i><br>- Contact facilities manager<br>- Contact power utility to inform them about the electrical issue |

- **Tabletop exercises** to test an emergency response plan by simulating its steps in a fictional scenario and identifying areas to refine.
- **Post-emergency review tools**, such as after-action reports, to capture and reflect lessons learned to help plan for future emergencies.

#### 2. IMPLEMENTATION TOOLS

Other tools will become useful when implementing the emergency plan, including:

- **Lists of priority matters** that must proceed even if the court is operating at reduced capacity, and the minimum resources necessary to ensure that they can proceed.
- **Checklists** covering matters such as:
  - The conditions under which the courthouse or service counter will be closed



## Action Committee on Modernizing Court Operations

- The minimum standards required for running in-person hearings
  - The conditions in which a matter may be adjourned
  - The minimal requirements for alternate facilities
  - The conditions under which staff may (or must) telework
  - Any essential equipment that should be removed in situations where operations will be relocated but it is safe to retrieve items from the building.
- **Contact lists** for internal and external actors who will either support the emergency response or be affected by the change in operations, media organizations, and legal and community associations who can help communicate this change.
- **Templates** of documents that are likely to be required during the emergency, including:
- Notices to the public and profession for likely scenarios such as changes to the court's schedule, modes of hearing, means of filing documents, or operating hours
  - Amendments to the court's website to inform relevant actors of the state of operations
  - Signs to notify those attending court facilities of alterations to in-person access, filing procedures, or service counter hours
  - Incident reports including, in public health crises, possible exposure
  - Agreements for the use of alternate facilities
- **Terms of Reference** for a court emergency management committee or any other emergency response body, covering matters such as:
- The scope and duration of its mandate
  - Its members and their respective roles and responsibilities, including up-to-date contact information
  - Its decision-making authority and how it will exercise it
- **Quick guides and flow charts** of steps to take to:
- Determine whether to assemble the court's emergency management committee or any other emergency response body
  - Implement any new protocols, such as public health measures, temporary closures, or suspension of operations
  - Expend money in an emergency, including obtaining financial authorities for various types of purchases
  - Respond to a work refusal by staff
- Key **business continuity supplies** or lists of approved suppliers for procuring them. Each court should be familiar with what supplies they are required to have by regulation. Emergency supplies that a court may need to have at all times include:
- A first aid kit with suitable supplies for the number of occupants
  - A fire detection and alarm system
  - Fire protection equipment such as portable extinguishers and sprinklers





## **Action Committee on Modernizing Court Operations**

- Accessibility equipment such as an emergency evacuation chair for people who use wheelchairs
- A site map that identifies emergency resources, exit routes, muster points, and other safety-critical information
- Emergency lighting to illuminate the exit route when there is a loss of power

Depending on the nature of the emergency, additional resource requirements may include:

- Mobile computer (and necessary peripherals) for each worker
- A backup generator for the court facility
- Respirators, medical masks, or other personal protective equipment