

Other Areas of Practice

Courts reopening: Oyez, oyez, oy vey | Marcel Strigberger

By **Marcel Strigberger**



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(July 24, 2020, 2:10 PM EDT) -- Oyez, oyez oyez time? Are our courts ready to do business? They are trying to reopen safely in the midst of COVID-19. But doing so is a bit challenging. I have come across a couple of Ministry of the Attorney General (MAG) handbooks running 35-40 pages setting out "guidelines" for the resumption of services. After perusing same, I will say I got a bit overwhelmed. The guidelines come across something like this.

Pre-attendance self-screening

You complete a questionnaire about your possible infectious risk, that looks something like the following. I can understand the really obvious ones, like "In the past 14 days were you stupid enough to visit a crowded bar in Florida?" But then it goes into a mega host of symptoms ranging from high temperature, to cough to unexplained thirst. There is an out on the latter one noting, if you ate a double anchovy pizza the past three days, that explains it.

Entry into courthouse

Once you arrive, there is a door monitor who screens you. The monitor, after seeing your questionnaire, can take your temperature and ask more questions. We all hope the visitor before entry will be up front about that double anchovy pizza. And given also that loss of sense of smell is a possible virus symptom, the monitor before allowing you entry can ask you to close your eyes while he administers a test, approaching your nose with a hunk of Roquefort. Personally, I would fear this test more than the virus.

Document filing

Yes, let us remember we still use documents. There is immense trepidation on how to handle them, including passing them to the witnesses, registrars and judges. It puts the document passing at par with the handling of nitroglycerine. There are extensive sanitizing suggestions involved in how to pass them forward. I almost expect to see that once filed, the registrar is to mark them with a rubber stamp, reading, "Exhibit four — phew!"

Given that the virus hates heat, may I recommend that all courtrooms come equipped with microwave ovens. After "sanitizing" the document, the court should allow the anyone in the room to make further use of the micro and insert a bag of popcorn. Why not put some fun into the proceedings? The court attendees would be able to watch the hearings and enjoy munching some Orville Redenbacher. One step for justice system reform. Hey, these are novel times!

Washroom use

Apparently only one person at a time is the guideline. I am not sure how one is supposed to know if the W.C. is occupied. I did not see a suggestion such as the next in line is to call out loudly, "Yoo hoo. Anybody in the loo?"

This might actually work well. I'm sure the government detailed guideline would be able to add more detail and come up with possible suggested responses. Then again maybe we'd run into privacy issues. To resolve these issues, I suppose the MAG can always refer us to the government's privacy policies. After all, don't we all enjoy spending hours of our lives reading everybody's privacy policies?

Incidentally, I noticed that the initial screening questionnaire I mentioned asks you to pick an Ontario courthouse from a drop-down list. One choice is Toronto's Old City Hall. Interestingly this building with its iconic clock tower, was completed in 1899. This means that it was around in 1918 being the period of the Spanish flu pandemic. For this courthouse it is all déjà vu. I wonder if there were similar guidelines around then for entry.

Actually, I heard a rumour that the gentleman who maintains the clock went up there recently and he found tucked away beneath the mechanism a bottle of hand sanitizer. It read, "Acme, the brand for your hand ... Best before August 1919."

Who knows? I think we must all be cautious. As Sir Winston Churchill said, "Those who fail to learn from history are condemned to repeat it."

No clue whether or not that clock maintenance guy also found a bag of popcorn.

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