

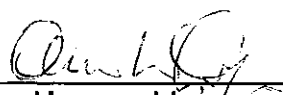
The Provincial Court of Alberta

Practice Directive

Designation of Counsel and Election by Accused

1. This Practice Directive is effective October 22, 2012.
2. Many designations of counsel do not apply when designated counsel send an agent to appear on their behalf. To address this issue, attached please find a suggested form of designation of counsel. This will prevent the issuance of warrants to hold, and the potential loss of jurisdiction in the event of a defective designation.
3. Where an accused person has an election of mode of trial, that election may be made in two ways: by the accused in person (pursuant to s. 536(2) CC) or by the accused in writing (pursuant to s. 536.2 CC). The accused's election cannot be made by counsel on the strength of a filed designation.
4. To address the issue described in paragraph 3, attached please find a suggested form of written election by the accused. If an accused person chooses to make an election by written notice, this document, once completed, should be filed with the Clerk of the Court.
5. The Provincial Court will take the step of reviewing the endorsements on the date of trial/preliminary hearing to confirm compliance with the Criminal Code rules regarding elections by the accused. In the event the initial election does not comply, the Court will have the election put to the accused in person before the scheduled proceeding.
6. The remote scheduling service will continue to allow counsel to make an election electronically. There will be a notice on the remote booking schedule sheet, and on the electronic screen, that this election will have to be perfected by either the filing of a written notice of election by the accused, or by the accused in person, on the date of the scheduled hearing.

DATED at the City of Calgary this 16th day of October, 2012.

  
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The Honourable  
A.H. Lefever  
Deputy Chief Judge for  
The Honourable A.G. Vickery  
Chief Judge  
The Provincial Court of Alberta