

## PRACTICE NOTE 2014 – 3

### CALGARY CRIMINAL & CALGARY REGIONAL COURTS

#### ASSIGNED CASES PROTOCOL

EFFECTIVE: 15 Sept 2014

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1. Currently all Calgary cases scheduled for ½ day or more are set in to our assignment courts (#1005 or #1106) on their trial day.
2. Of these trial matters, those scheduled for **one day or less** are generally not assigned in advance to any specific judge. Rather they are sent out by the assignment court judge from the assignment court to an available “feeder” courtroom and judge.
3. In contrast, all trials scheduled for **more than one day** (and, on occasion, shorter matters of some complexity or where some advance case law or application material has been filed) are assigned in advance to a specific judge (the “Assigned Judge”). This advanced assignment process is to ensure we will have a judge available for all of the days the trial is scheduled (i.e. no holidays or judgement weeks, etc. scheduled).
4. Some years ago it was agreed by our judges that once a specific judge has been assigned to a case, any adjournment requests or guilty pleas for that case that are brought by either side **six(6) weeks or less** before the scheduled trial date **must** be brought before that Assigned Judge. This includes any adjournment applications or guilty pleas made on the day of the trial. Thus, where there is an adjournment application on an assigned case in the assignment court on the trial date it is to be heard by the **Assigned Judge** rather than the assignment court judge. One reason for this is that the Assigned Judge may very well know more of the history of the case (including, for example, prior applications or adjournment requests) than the assignment court judge. Another reason is that the Assigned Judge may have already read material filed on the case, or otherwise done work to familiarize themselves with the case to which they have been assigned.
5. An **exception** to this general “rule” may occur if the Assigned Judge conveys his/her agreement to the assignment court judge that the assignment court judge may deal with the matter. This is often done informally by the assignment court judge with a simple office visit, phone call or email exchange with the Assigned Judge, but it is important that this step be taken as a matter of courtesy to the Assigned Judge.
6. If (and only if) a judge is legally **seized** with a case (i.e. either because it is a continuation, or a particular judge earlier indicated on the record that they are seizing themselves with the matter, or for some other legal reason), the assignment court judge will transfer the case to the legally **seized** judge to deal with any substantive matters on the case. This includes a **guilty plea or adjournment request**, unless that **seized** judge is for any reason “unable” to do so (i.e. see s. 669.2 CC).

7. There is **no** requirement that an **Assigned** Judge hear an adjournment application or guilty plea if the application or plea is made **more than six (6) weeks before the scheduled trial date, unless** the Assigned Judge is (for whatever reason) already also legally **seized** with the matter. This will allow the judicial scheduler some flexibility in:
  - a. Re-assigning the matter if an adjournment is granted and the new trial dates conflict with the schedule of the originally Assigned Judge, or;
  - b. Working with counsel to set a disposition date if the matter is proceeding by way of guilty plea.
8. If a matter is truly urgent, and the **Assigned** Judge is not readily available, an adjournment request made **6 weeks or less** before the scheduled trial date may be brought before the Assistant Chief Judge or his/her Designate.
9. Please note that this directive applies to Calgary Regional Courts as well. In the Regional courts, cases scheduled for **more than ½ day** will have an Assigned Judge.

Per: Asst. Chief Judge James J Ogle  
Calgary Criminal & Regional Divisions  
Dated: September 15, 2014