

PRACTICE NOTE 2016 - 2

CALGARY PROVINCIAL CRIMINAL

PRE-TRIAL CONFERENCE PROTOCOL

EFFECTIVE: FEBRUARY 1, 2016

Purpose: Section 625.1 of the Criminal Code provides the statutory authority for a Pre-Trial Conference (PTC). As this Section states, the goal of a PTC is “to consider the matters that, to promote a fair and expeditious hearing, would be better decided before the start of the proceedings, and other similar matters, and to make arrangements for decisions on these matters”. A further objective of the Calgary Criminal Division PTC process is to promote early and effective communication between Counsel as to the conduct of the proceeding, including possible resolution.

Who This Applies To:

This protocol is applicable to cases;

- a) That are to be tried in the Calgary Criminal Courts;
- b) That are scheduled for 1.5 days or more of trial time,
- c) That have counsel representing the accused; and
- d) Counsel has not been given leave by a judge to schedule their PTC in open court.

All other scheduled PTCs, including for unrepresented accused, or where counsel has been given leave by the court to book a PTC in a courtroom, are not affected by this protocol. These cases only will be booked through CMO and held in open court.

Procedure:

1. **Effective February 1, 2016**, all prior Pre-Trial Conference protocols and forms will be replaced with THIS protocol and forms.
2. Counsel are required to book a PTC through the Case Management Office (CMO) for any Trial that is scheduled for 1.5 days or more before a Provincial Court Judge in Calgary. This is to be done at the time the Trial is booked.
3. Counsel may request a PTC for any other matter, if either party believes a PTC would be of assistance in the process.
4. Where a PTC has been scheduled, Counsel for the Crown and Defence are each required to complete the **Pre-Trial Conference Information Form 1**-PDF fillable form (attached) and file it with the Court. This form is also

available on the Alberta Courts website <https://albertacourts.ca/>, under **Forms and Notices by Region**.

5. The Form may be filed by:
 - fax at (403)592-4880 or;
 - email at: PC.CGY-CRIM@albertacourts.ca or;
 - in person at the PC Criminal counter;and must be concurrently copied to all parties.
6. Form 1 must be filed by both parties at least seven (7) days before the scheduled PTC, failing which the PTC will proceed as scheduled.
7. Once Form 1 has been filed by both parties, a Judge will be assigned to hear the PTC. This same assigned Judge will hear any subsequent PTC that may be directed on the file.
8. Upon receipt of Form 1 from all Counsel on a matter, the Pre-Trial Conference Coordinator shall promptly provide the Assigned PTC Judge with a file containing the Forms and any other material(s) received from Counsel.
9. Upon receipt and review of Form 1, the Assigned Judge will decide whether to:
 - Proceed with the Pre-Trial Conference as scheduled;
 - Adjourn the Pre-Trial Conference and re-schedule it to a later date (for example, to allow for the completion of disclosure or if a PTC may be more fruitful at a later date); or
 - Determine that a Pre-Trial Conference is no longer required as there is sufficient information noted on the form.The Pre-Trial Conference Judge will communicate this decision to the PTC Co-ordinator by the use of **Form 2** (attached).
10. A decision by the Assigned PTC Judge to, adjourn or cancel the PTC will be communicated by the PTC Coordinator via email to counsel by the use of **Notice of Pre-Trial Conference Form 2** (attached) and available on the Alberta Courts website <https://albertacourts.ca/>.
11. PTCs will be scheduled in private Judge's Chambers at 1:00 PM. If Counsel have been granted leave to schedule a PTC in the courtroom, the PTC will be scheduled at 9:30 AM or 2:00 PM, in a courtroom assigned by CMO.
12. If the PTC is adjourned, all subsequent PTCs will be scheduled through the **Pre-Trial Conference Coordinator** (i.e. not CMO), to a date that has been agreed upon between the Assigned PTC Judge and assigned Counsel.

13. Assigned Counsel (i.e. the actual counsel or, if allowed by law, the articling student, who will be conducting the case) must be present at all Pre-Trial Conferences on a file, unless excused in advance by the Assigned PTC Judge (see also paragraph 17 below).
14. Whether or not the first PTC is held, a PTC must be held a minimum of six (6) weeks before the trial commencement dates unless otherwise directed by the assigned PTC Judge.
15. Upon completion of a PTC, the Assigned PTC Judge will complete a “**Pre-Trial Conference Judge’s Report Form 3** (attached) and available on the Alberta Courts website <https://albertacourts.ca/>. A copy of this Form will be provided by the Pre-Trial Conference Coordinator to Counsel and the Assigned Trial Judge, in advance of the trial unless otherwise directed by the Assigned PTC Judge.

Expectations on Counsel:

16. One goal of this revised PTC Protocol is to make efficient use of counsel time in PTCs, while achieving the overall objectives listed under “Purpose” above. The attached form and the focused in-person meetings before the same Assigned PTC Judge are tools to make the PTC process efficient and effective.
17. However, for the PTC process to be truly successful:
 - a. Counsel are expected to know the file before attending; and
 - b. Assigned Counsel on both sides must attend personally, unless leave to send an alternate counsel has been obtained in advance from the PTC Judge. In such case, the alternate counsel is expected to be fully informed on the file and **able to make decisions binding on the assigned counsel. A student-at-law (articling student) is not an eligible option to Assigned Counsel.**

Transitional:

18. If counsel have previously filed an “old” or prior-used PTC form on a matter that is scheduled (or re-scheduled) for a PTC anytime on or after February 1, 2016, Counsel are required to file a new PTC Form 1 (attached) at least seven (7) days before the scheduled PTC

Per: Asst. Chief Judge James J Ogle
Calgary Criminal & Regional Courts
Revised: March 3, 2016