

LETTER TO THE PROFESSION

RE: ASSIGNMENT & FEEDER (TRIAL) COURTS PROVINCIAL COURT OF ALBERTA CALGARY CRIMINAL DIVISION

Dear Colleagues in the Crown and Defence Bar,

There is an issue in our Assignment Court/Feeder Courts process that is causing the Court some concerns.

Counsel advise the Assignment Court Judge that a matter is ready to proceed and the matter is directed to a Feeder Court for trial.

Our practice to date has been to call down the Feeder Court Judge to hear the trial, only once Counsel arrive at the feeder court and indicate to the clerk in the feeder court they are ready to start. The problem is that all too frequently, there is a lengthy delay in the feeder court(s) before counsel attend and the trial judge gets called down. An example is two recent matters where the case was sent out from the Assignment Court shortly after 9:00 AM as "Ready to Proceed", but the Feeder Court Judge was not called down until 10:30 AM in the feeder court to which the matter was assigned, as counsel had not attended, or if attended, had requested the judge not yet be called. **Note: Assignment Courts start at 9:00 a.m.**

Some of this delay may well have to do with counsel engaging in trial day discussions that may lead to a resolution, an obviously desirable result. However, some of it may be for other, less acceptable reasons, or the discussions go on for so long that no trial time is left and the matter must be adjourned.

Alternatively, counsel is attending to other matters in other courts, keeping witnesses and opposing counsel waiting on the trial matter, an unacceptable situation that can arise from the practice of double booking. This can leave witnesses frustrated and inconvenienced, sometimes waiting an inordinate period of time, only to be told (at times) the matter must go over. It is also a poor use of our court staff time, and our limited judicial resources.

Because of these concerns, from now on the Feeder Court Judge will be attending the feeder court to which the case has been assigned, **promptly** once they have been advised by the clerk in the Feeder Court that the court is open and ready to go. From this point, it will be up to the Feeder Court Judge to decide if any further brief adjournment is warranted before the trial commences. In determining this, it must be remembered that Counsel have already indicated to the Court, specifically the Assignment Court Judge, that both sides are ready to proceed to trial and all witnesses are present. The Feeder Court Judge may consider putting time limits on any further "discussion" time, before the Judge will return to commence the trial.

I have asked Judges in the Assignment Courts to advise Counsel, once the matter has been assigned to a feeder court, that the Trial Judge will be attending that court promptly, and that Counsel and witnesses are expected to attend immediately in the feeder court to commence the trial. Any further (hopefully brief) adjournments to discuss matters before the trial actually starts, are then up to the Feeder Court Judge. Either way, that Feeder Court Judge will continue to have conduct of that case.

Dated: December 2012

I am asking for your usual co-operation on this issue, so that together we make more efficient use of our limited justice system resources and exhibit respect for all justice participants, particularly members of the public who are witnesses.

Thank you.

The Hon. Jim J. Ogle
Assistant Chief Judge
Calgary & Regional Criminal Division