



CENTRAL REGION – RED DEER, WETASKIWIN AND CAMROSE CRIMINAL PRE-TRIAL CONFERENCES

Effective: September 2, 2020

Purpose:

Commencing September 2, 2020 all criminal trial matters, preliminary inquiries or other criminal hearings or applications set for 1 (one) day or more will be required to have a pre-trial/application conference in advance of the trial. The date and time for the pre-trial conference will be arranged through the Red Deer Judicial Assistant's office for Red Deer matters and through the clerk's office for Wetaskiwin and Camrose matters. For ease of reference, all such applications will be termed pre-trial conferences.

Procedures/Guidelines:

1. The pre-trial conference may take place in open court or in chambers but if a party is not represented by a lawyer, or if the lawyer of an accused or the Crown prosecutor requests that the accused be present, the pre-trial conference must take place in open court.
2. The lawyer of record for each party or, if an accused is not represented by a lawyer, the accused, shall attend the pre-trial conference. A lawyer of record may informally apply to the pre-trial conference judge to have another lawyer attend the pre-trial conference in the lawyer of record's place on at least 2 clear business days' notice of the application to the party.
3. Before the pre-trial conference, if an accused is represented by a lawyer,
 - a) The lawyers for all parties will provide a completed Case Management Conference Record 10 days prior to the pre-trial conference and provide it to the Red Deer Judicial Assistant's office;
 - b) the lawyers for all parties shall review their files; and
 - c) the lawyers for all parties shall discuss with each other the issues set out in (4).

4. The following matters may be considered at the pre-trial conference and the parties shall come prepared to make representations on,
 - a) the adequacy of disclosure;
 - b) proposed trial or pre-trial applications;
 - c) any admissions the parties are willing to make;
 - d) the legal issues that are expected to be dealt with in the trial;
 - e) an estimate of the time needed to complete the trial and the reasons for the estimate; and
 - f) any resolution of the matter, if appropriate.
5. Where the pre-trial conference judge agrees or where Practice Direction permits, the pre-trial conference may be held by telephone or another form of communications technology.
6. After hearing from the parties during the pre-trial conference, the pre-trial conference judge may,
 - a) make any ruling a case management judge acting under section 551.3 of the Code may make, except a ruling under sections 551.3(1)(e) or 551.3(1)(g) of the Code;
 - b) if the parties consent, set a date and, if necessary, a procedure for the matters identified in sections 551.3(1)(e) or 551.3(1)(g) of the Code to be determined;
 - c) confirm or amend the estimates of the time required to hear the trial;
 - d) establish case-management schedules and impose deadlines on the parties with respect to the production of documents or evidence and for the filing and service of legal briefs or other materials; and
 - e) set a date for further pre-trial conference, if required.
7. At the conclusion of the pre-trial conference,
 - a) any agreements entered into or admissions made by the parties, and
 - b) any rulings made by the pre-trial conference judgeshall be reduced to writing or otherwise recorded, attached to the Information for the assistance of the trial judge, and distributed to the parties in attendance at the pre-trial conference.
8. A ruling that results from the exercise of the powers referred to in (6) and (7) is binding on the parties for the remainder of the trial unless the trial judge is satisfied that it would not be in the interests of justice because, among other considerations, fresh evidence has been adduced.

As per: Assistant Chief Judge Hunter
Central Region Courts