



The Provincial Court of Alberta

Edmonton Criminal, Calgary Criminal and
Calgary Regional Divisions

"Online...or, in line?"

Using the Provincial Court e-file website

The following instructions demonstrate how to electronically compose, upload, file and serve Notice of an application (or a Reply) when the application is made pursuant to the provisions of the ***Charter of Rights & Freedoms***. These instructions include the Practice Directive from Chief Judge Vickery dated June 1, 2010 ("*Electronic Filing of "Charter Notices" and supporting materials in the Calgary Criminal, Calgary Regional and Edmonton Criminal Divisions*"). This Practice Directive supersedes any other similar Practice Directive issued for these Divisions on this same topic. Certain aspects of the Practice Directive also apply to applications that are not filed electronically.

UNTIL FURTHER NOTICE, THIS ELECTRONIC FILING SYSTEM IS ONLY FOR USE IN COURT PROCEEDINGS THAT ARE ONGOING IN THE **CALGARY CRIMINAL DIVISION**, THE **CALGARY REGIONAL DIVISION** or THE **EDMONTON CRIMINAL DIVISION** OF THE PROVINCIAL COURT.

Introduction: The Provincial Court *Charter* e-filing system was developed to provide counsel with a convenient means of giving notice of, and replying to, applications alleging a breach of a right or freedom guaranteed under the ***Charter of Rights & Freedoms***. At present, this system is for use by lawyers, their staff, and members of Student Legal Services only. By submitting the form, the user e-files Notice of their application, along with supporting written material and case authorities. This electronic notification is received in the federal or provincial Crown law office selected by the user, and at the appropriate judicial offices of the Calgary Criminal, Calgary Regional or Edmonton Criminal divisions of The Provincial Court of Alberta (where the e-filed material is then provided to the Judge who will be hearing the matter). Where prosecution responsibility lies with an appointed agent (eg: Banff, federal matters), when you select "Federal Crown-Banff", the system will transmit your materials to the proper agent. The system permits counsel to electronically file briefs, supporting materials, amended applications and supplemental material, while simultaneously filing the same material with the Court.

E-filing is available 24/7: In 2008, for example, there were 331 e-filings in Edmonton Criminal division; that number grew to 443 e-filings in 2009.

Many of these occurred outside regular courthouse business hours, and because you do not need to attend at a courthouse to file material, the Court anticipates that counsel will find this a much more convenient way to file and exchange documents in “*Charter*” applications. However, it is still counsel’s responsibility to ensure compliance with filing deadlines, as the e-filing system does not ‘check’ submissions for compliance with filing deadlines.,

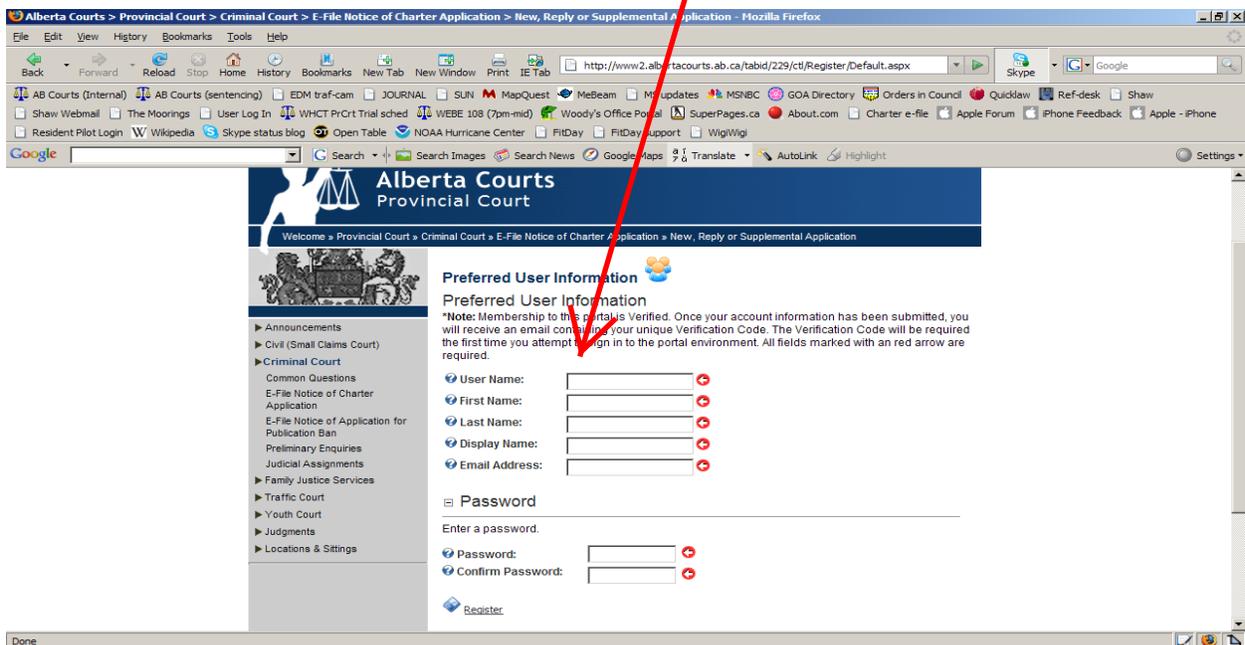
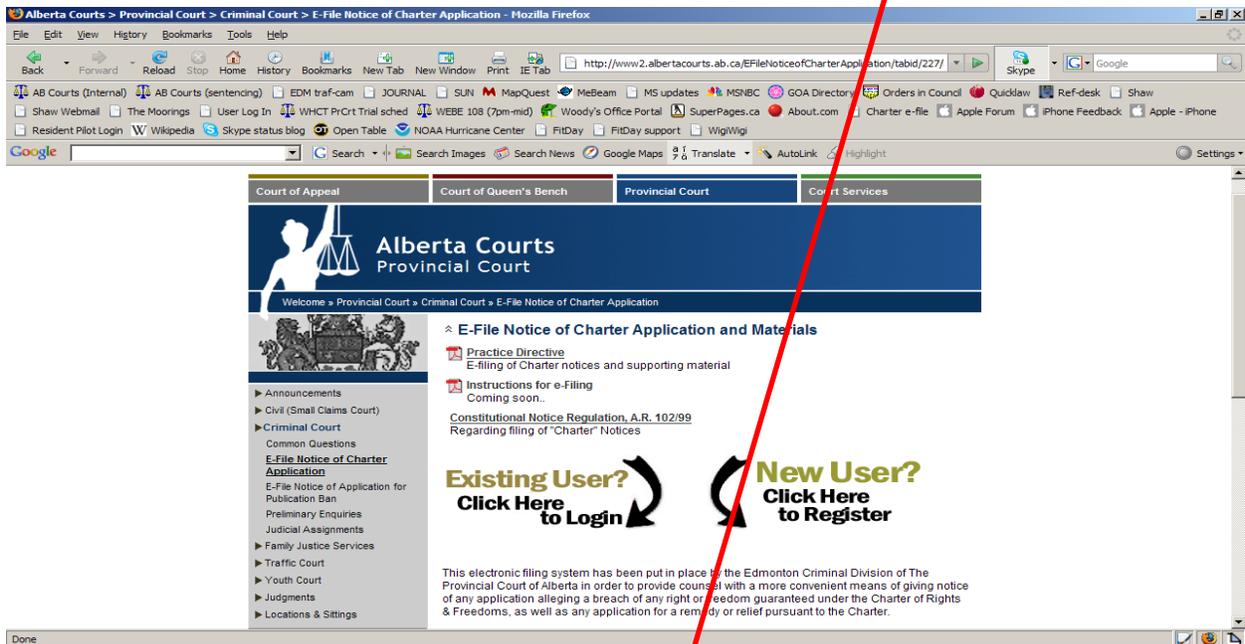
Composing your brief and case material: Filing a “Charter” notice assumes that Counsel have thought out the substance of their application, have composed their ‘Notice’, and assembled the applicable case material. The Court’s preference is that **whenever possible, counsel should file all of their material (the Notice, the written argument and case material) at the same time**; this will best ensure that the material “arrives” together and stays together. If this is not possible, or if you must file supplemental material (eg: after you receive opposing counsel’s material), you can do so using the “Supplemental or Amended Material” tab on the website.

Notice of an application, a Reply, written briefs and case material can be composed and uploaded in a variety of word processing formats (.doc, .wpd, .pdf). A number of software applications can be used, and up-to-date versions of Microsoft WORD or Corel’s WORDPERFECT often have built-in utilities that permit a user to convert documents to the smaller **.pdf** format. There are also commercial software applications that will convert documents to **.pdf** format. Some of them, such as PrimoPDF (www.primopdf.com) or PDFill (www.pdfill.com) are free. Most court websites offer the option to download a file in **.pdf** or **.wpd** format. The **.pdf** format is generally smaller and more secure, and seems to be the preferred choice when preparing and exchanging documents electronically.

Because the e-filed document is received in an email format, it need not be set up in the typical form of a “legal document”. You may copy & paste text into the online fields, or, type directly into those fields, and this forms the ‘body’ of the email. Individual documents that counsel wish to file can be zipped together in a single folder, and that zipped folder becomes an attachment. On page 15, paragraph 30 of these instructions you will see a screenshot of a sample Notice (showing the ‘folder’ as an attachment).

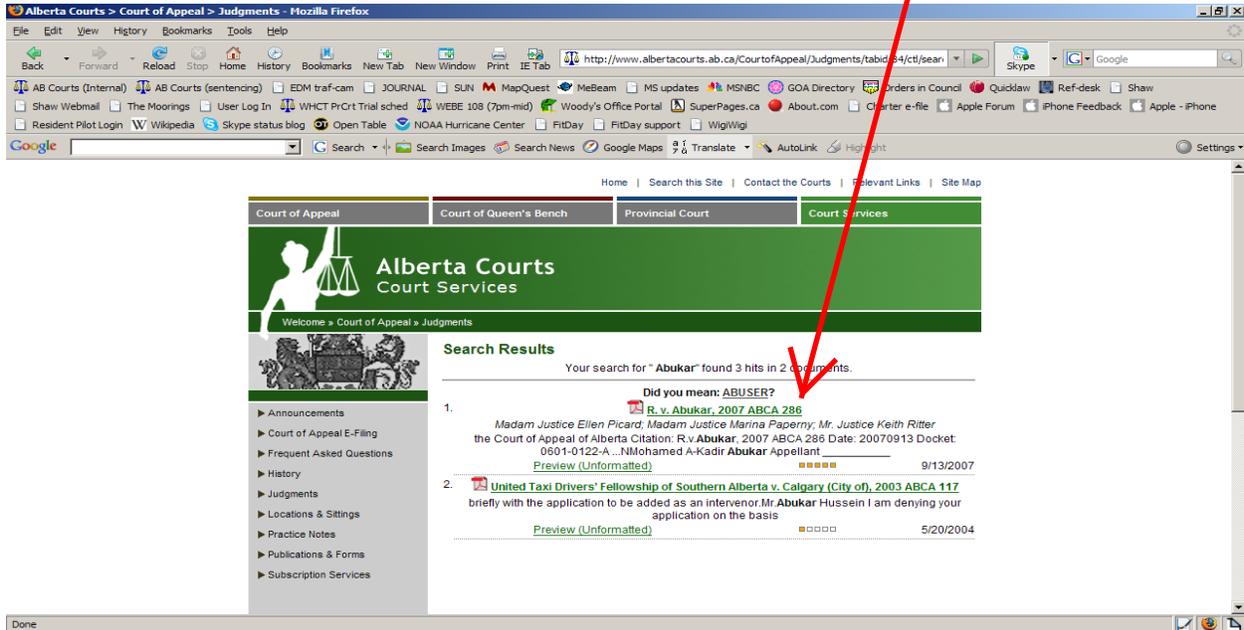
The following pages will walk you through the composition of an e-filing, using screen shots to illustrate the steps to be followed. Handling & storage of files on a computer is a matter of personal preference, and the instructions reflect the author’s style of file organization (eg: a file hierarchy consisting of a folder in My Documents called “Charter applications”, which then contains subfolders for “Case law”, “Written briefs” and for each client/application). Depending on your own file organization, you may need to modify the Instructions; nonetheless, given some repetitive aspects of composing & uploading documents, good file organization from the outset will always assist with that task.

1. In order to use the e-file process, you must first go to the e-file webpage on the Alberta Courts website (by following links to "Provincial Court" ~ "Criminal" ~ "E-file Notice of Charter application"). On your first visit to this website, as a "New User", you will have to create an account, and select a user ID and password. **Please keep the password confidential.**

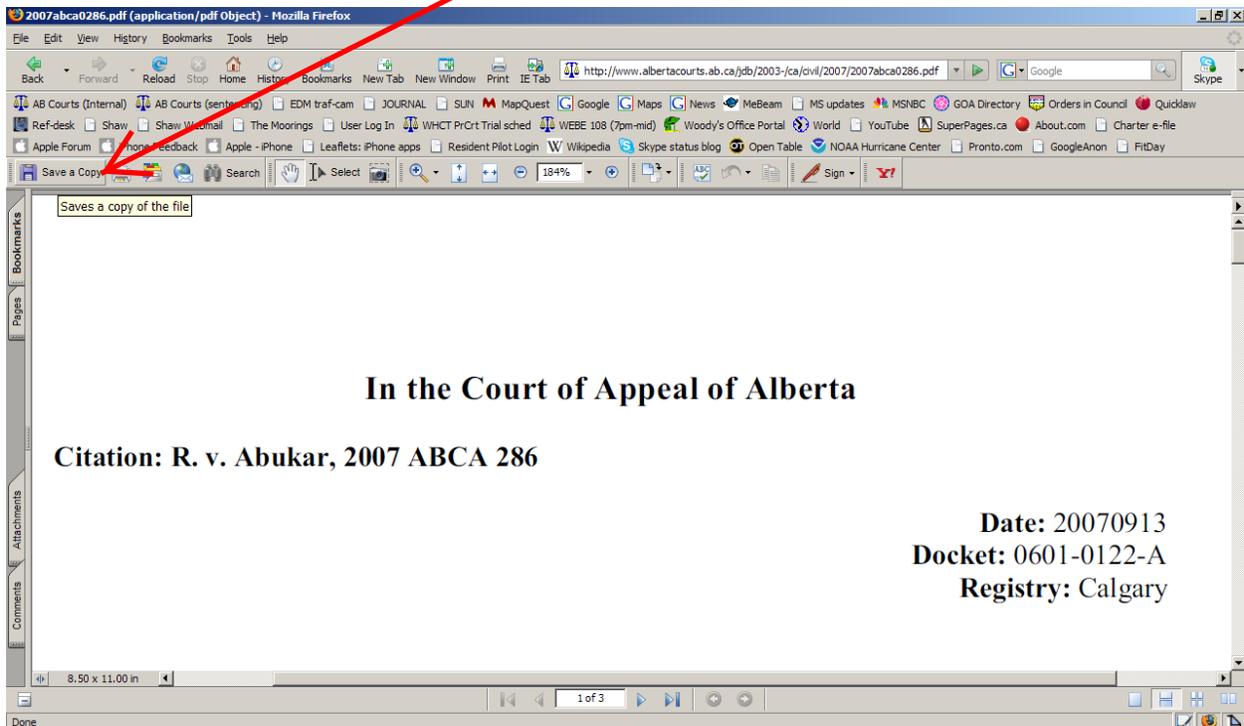


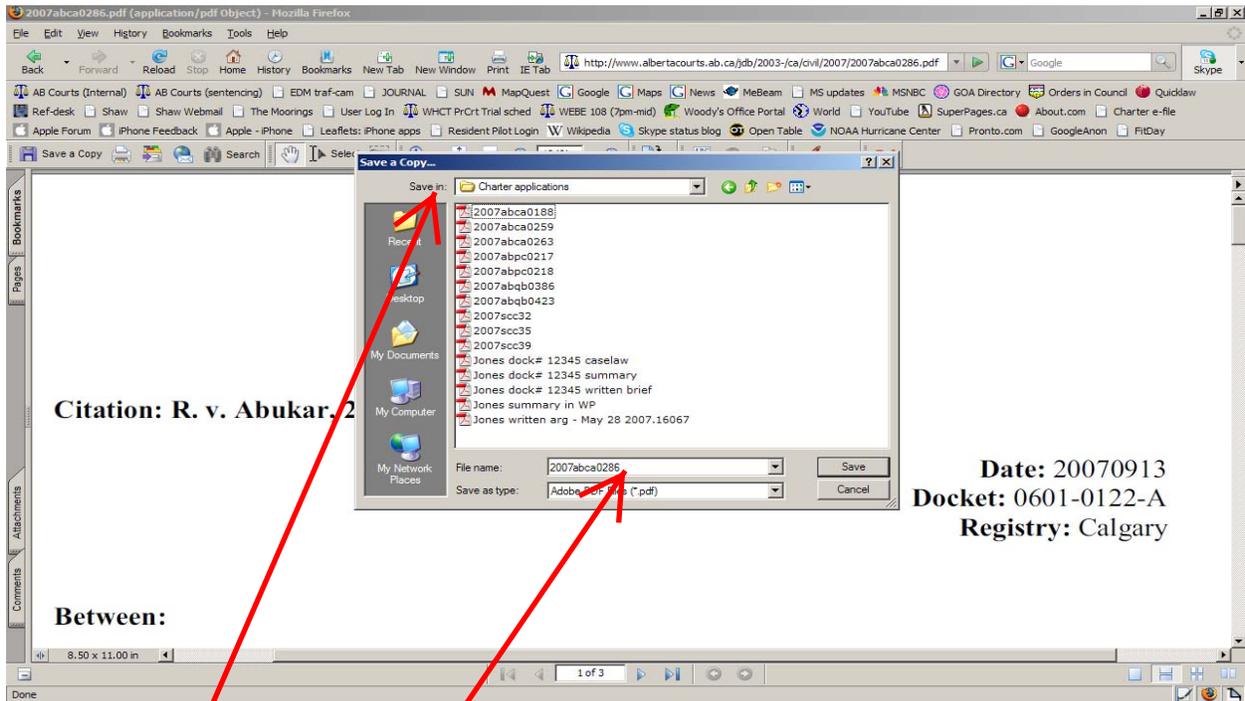
2. Once you set up your account, you can return and log-in as an existing user.

3. To compose a “folder” for filing, you will likely already have prepared your notice, and, your written brief. **You can download and use cases from any Court judgment database; you are not restricted to the Alberta judgment database....**go to a court website containing material you require. In this example, we download from the Alberta Courts and the Supreme Court of Canada websites. The first decision is **R. v. Abukar, 2007 ABCA 286**; click the case name to open it.



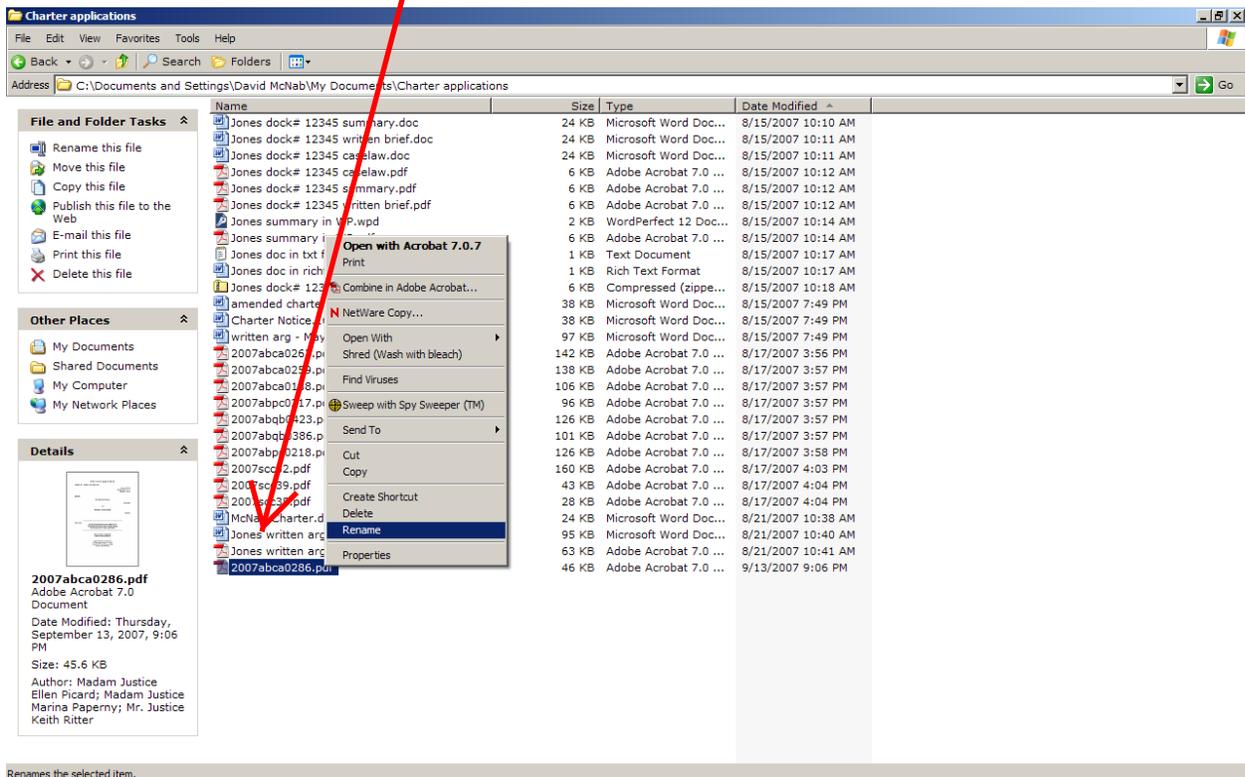
4. Your .pdf software (eg: Adobe Reader) may open in your web browser, or in a separate window. Click the “Save a Copy” button to download that decision (file).



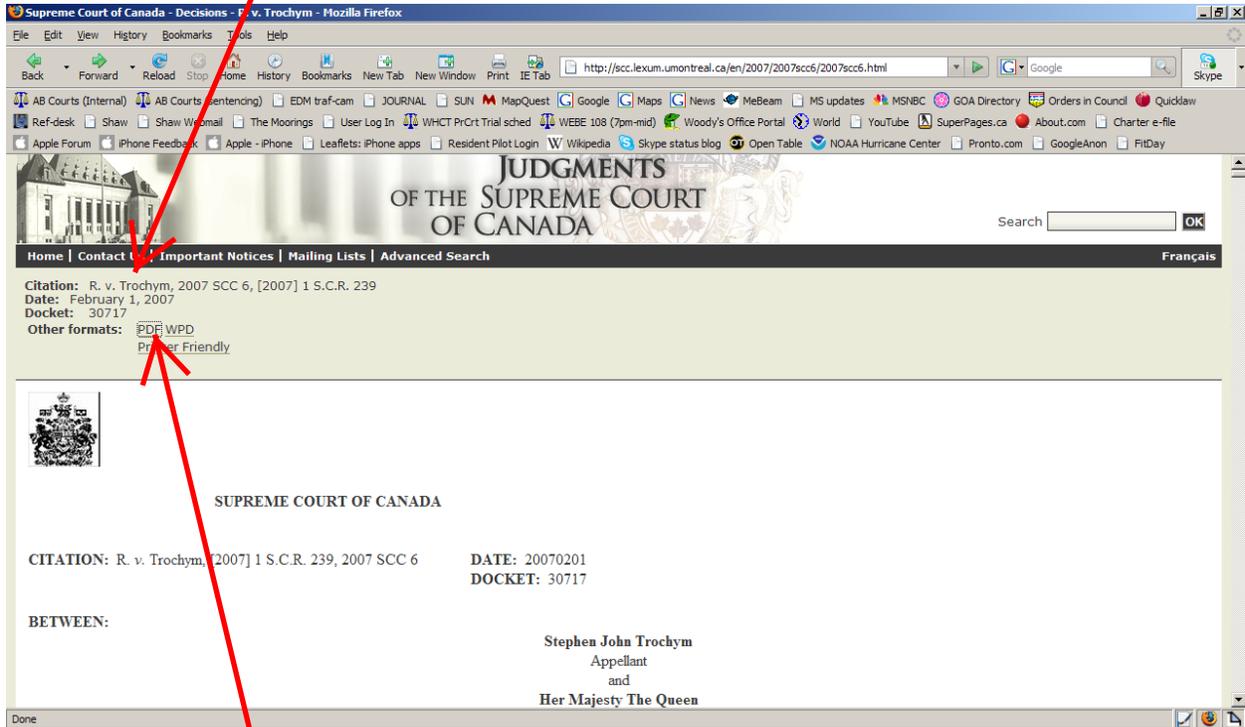


5. Save the file to a folder of your choice. Generally, the file will 'name' itself, using the citation, but you can also enter a different file name (eg: R vs. Abukar) in this field (to make it easier to find later). Then click "Save". Once downloaded, you will see it in the folder.

6. You can also rename the file by right-clicking, selecting **Rename** and typing a new file name (eg: R vs. Abukar).

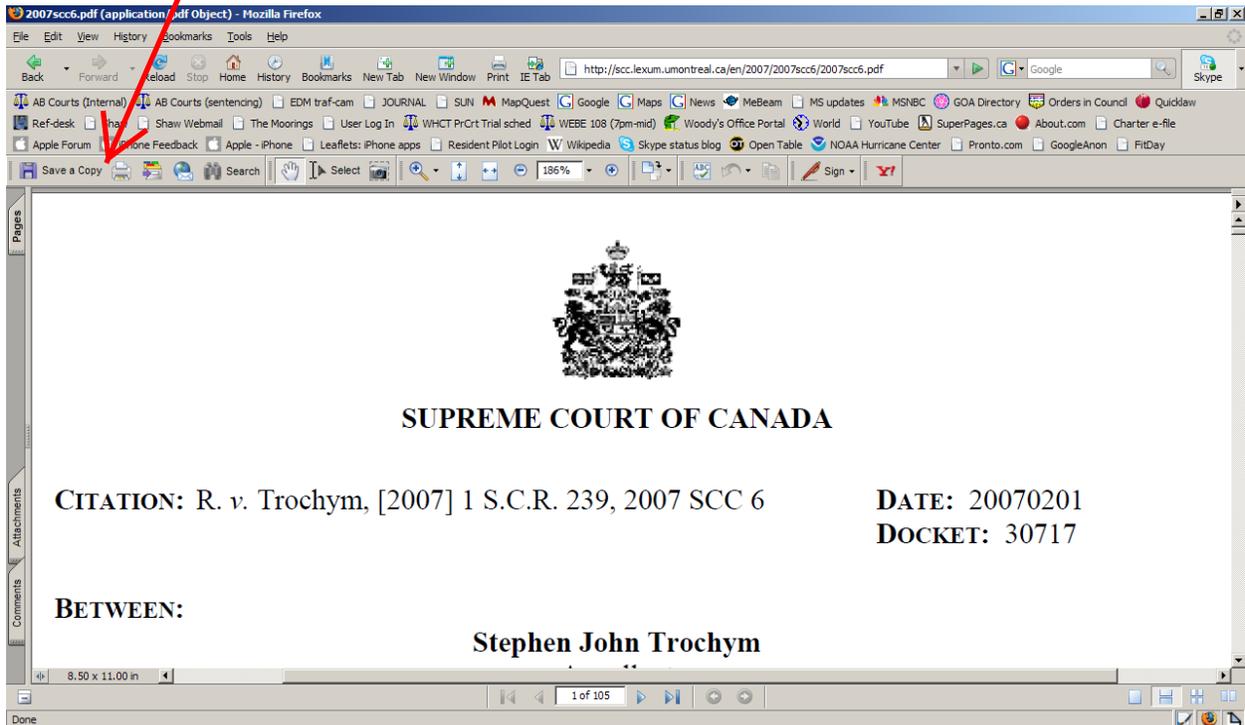


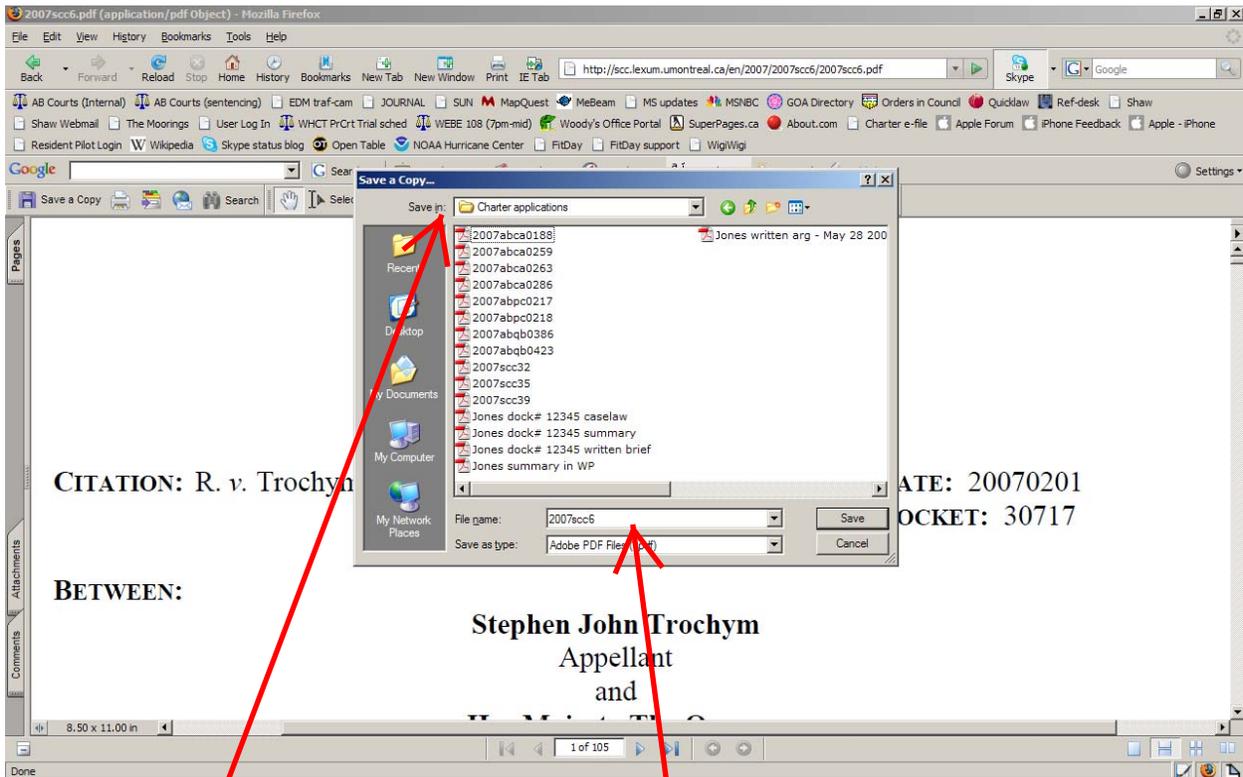
7. At the Supreme Court of Canada site, download the case of **R. v. Trochym, 2007 SCC 6**



8. Click the **PDF** logo to open the file in .pdf format, or, **.WPD** to use the WORDPERFECT format.

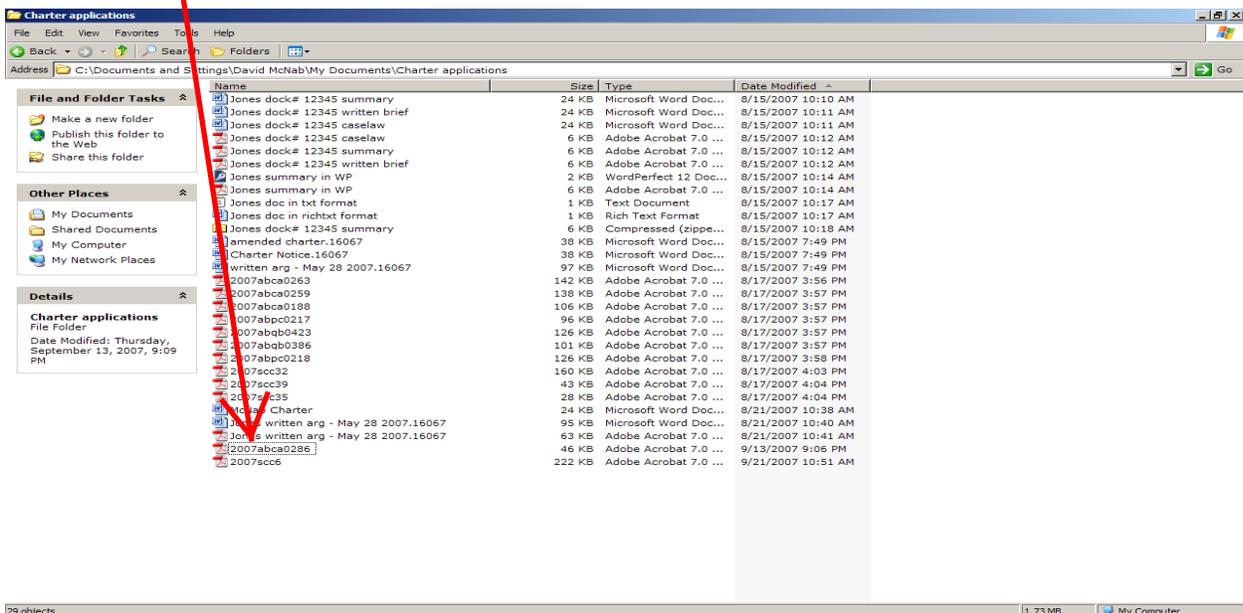
9. Click "Save a Copy" to download that decision (file).



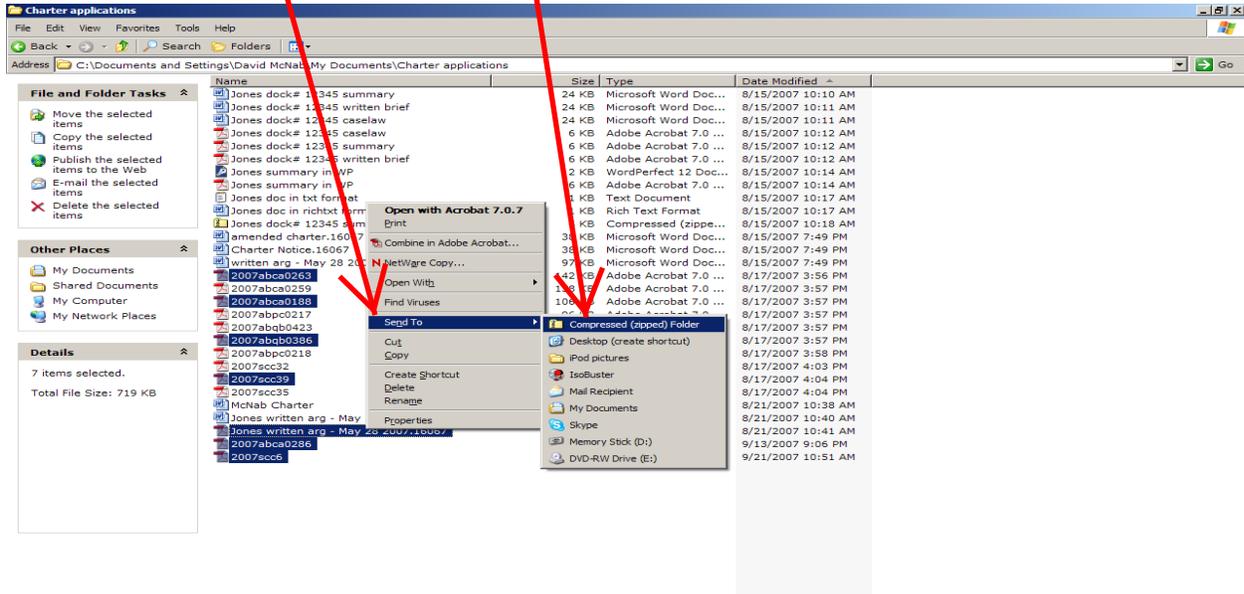


10. Save the decision in the folder of your choice. As shown in steps 5 and 6, you can rename it; after saving, right-click it and select **Rename**, or, simply type the new file name here (eg: Trochym, or R. v. Trochym) before hitting SAVE. This will make it easier to 'recognize' when assembling your e-file folder.

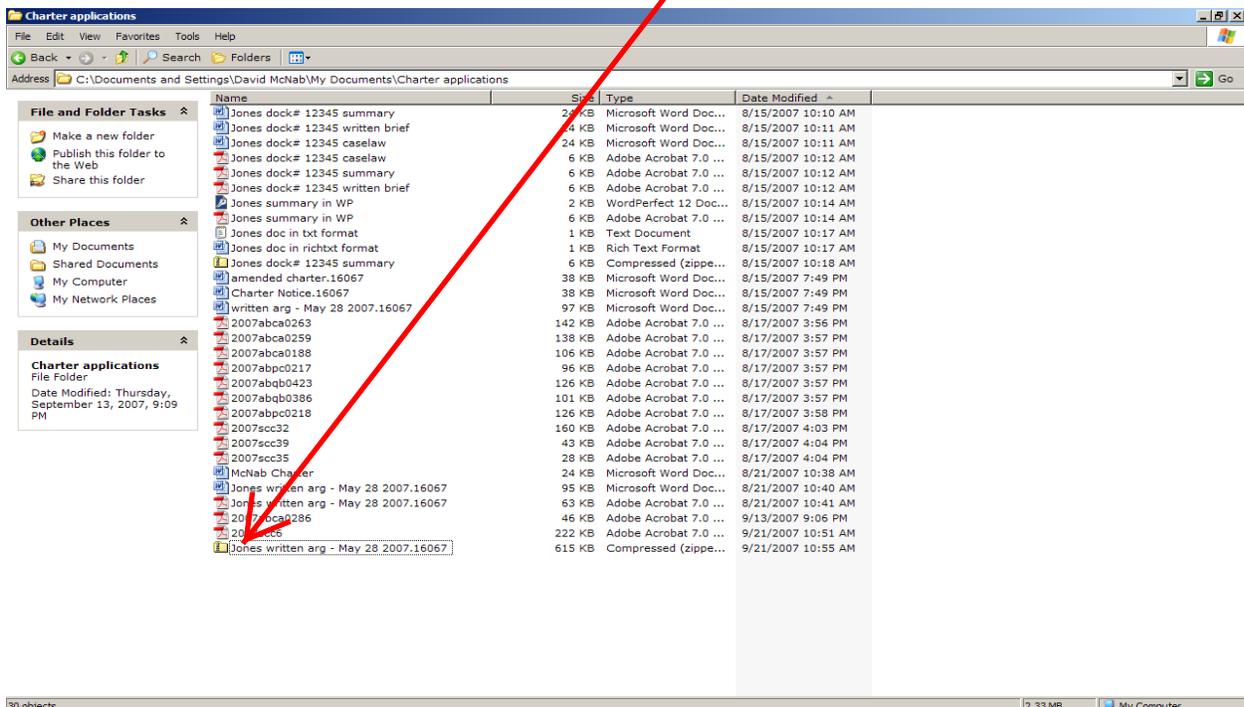
11. Once you have finished downloading cases that you need, you will find them available to be put into the 'folder' that you will upload when you file your "Charter" notice and material.



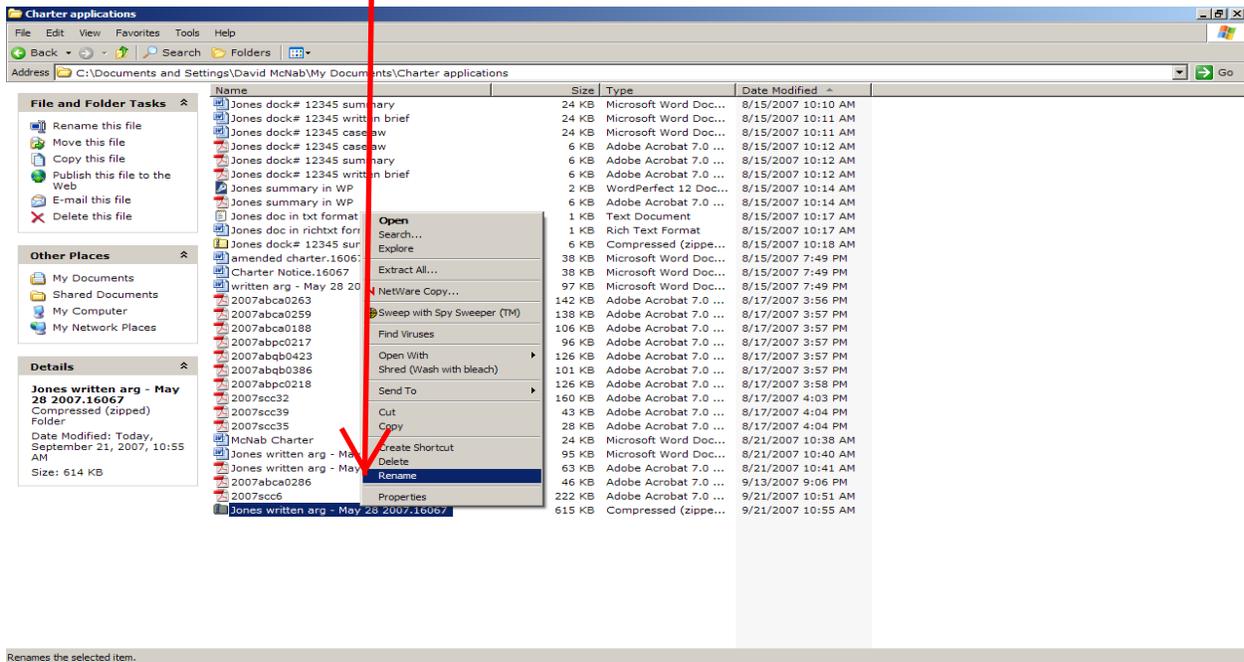
12. Materials being uploaded must be contained within, or assembled into, a single 'folder'. To do this, you must first 'zip' your written argument and case material together as a single 'folder'; hover your cursor over the 1st document you wish to include and it will turn blue. Then, hold the CTRL (Control) key down as you hover your cursor over other documents you want to include...as you do so, each will 'turn' blue. When done, right-click; select "**Send to**" and choose "**Compressed (zipped) folder**".



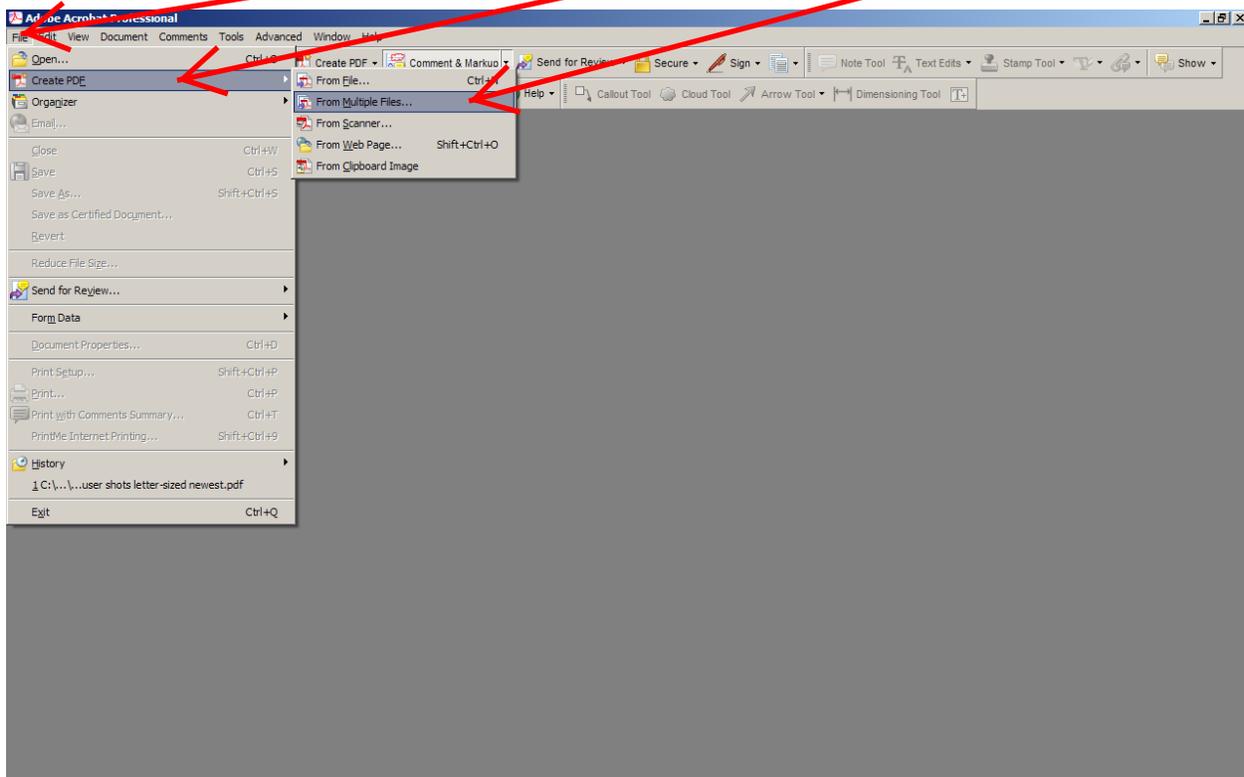
13. This zips all files together in a folder that automatically takes the name of the last file selected (in this case, "Jones written argument May 28, 2007.16067").



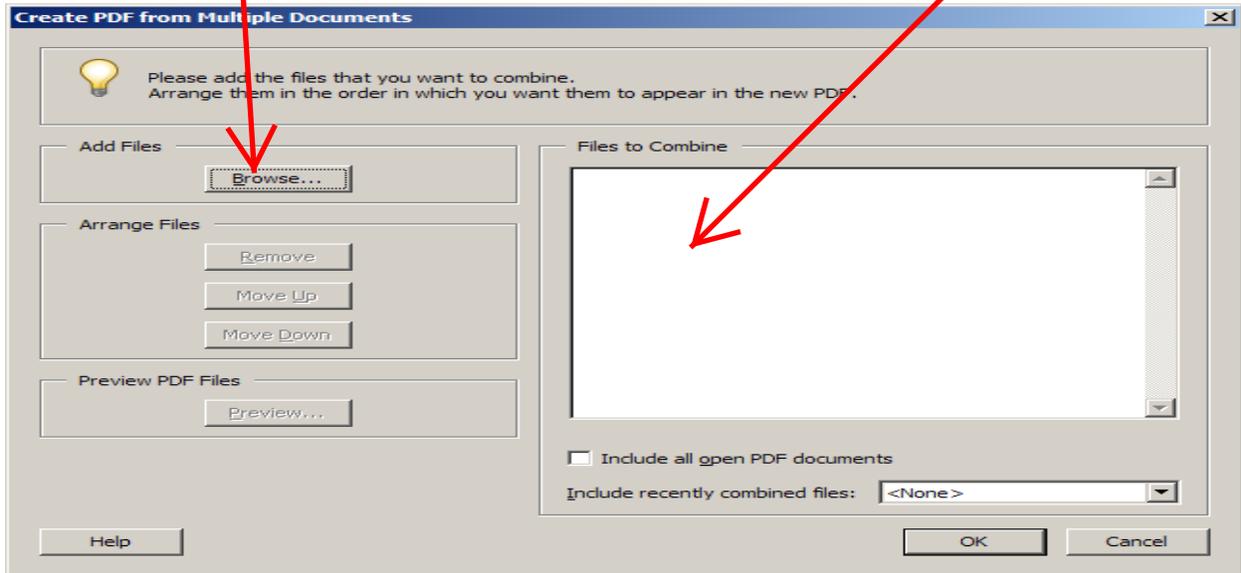
14. You can leave it as is, or change the folder name by right-clicking it and selecting **Rename** (eg: Jones Charter materials). Once you complete this process, you are ready to file your application with the Court.



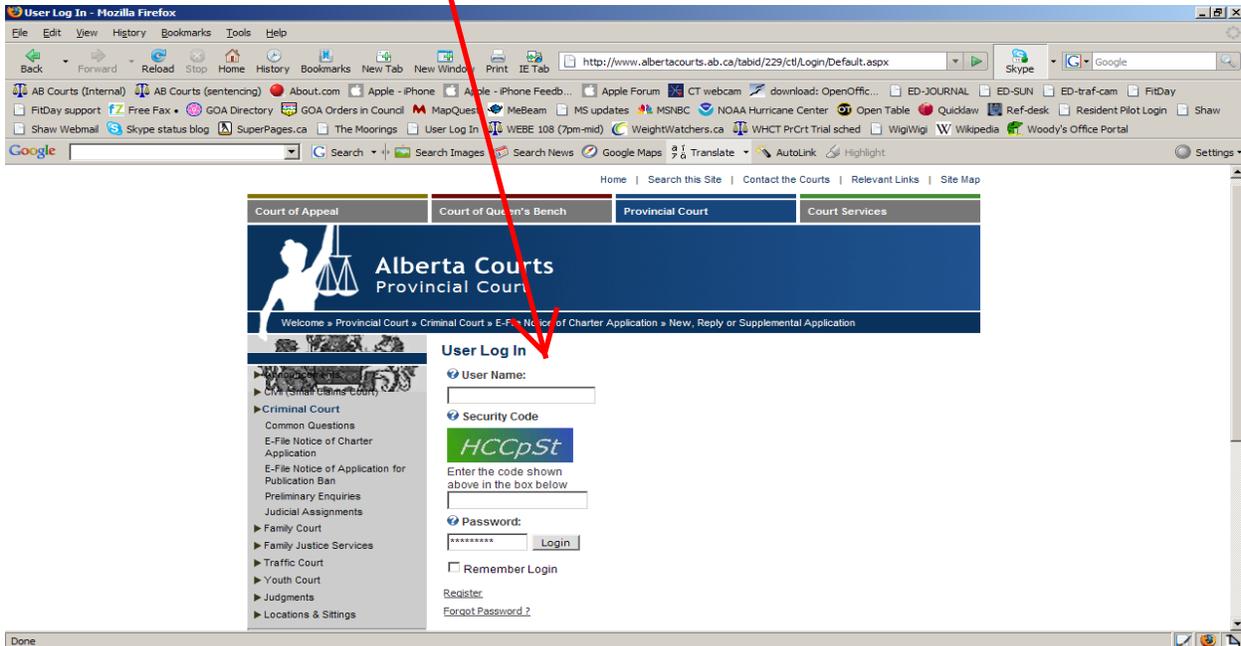
15. **Instead of 'zipping' files**, if you have Adobe Acrobat, you can create a single .pdf document (a "binder") from multiple files, and name it (eg: Jones Charter materials). In **Acrobat**, click **File ~ Create PDF ~ From Multiple Files**.

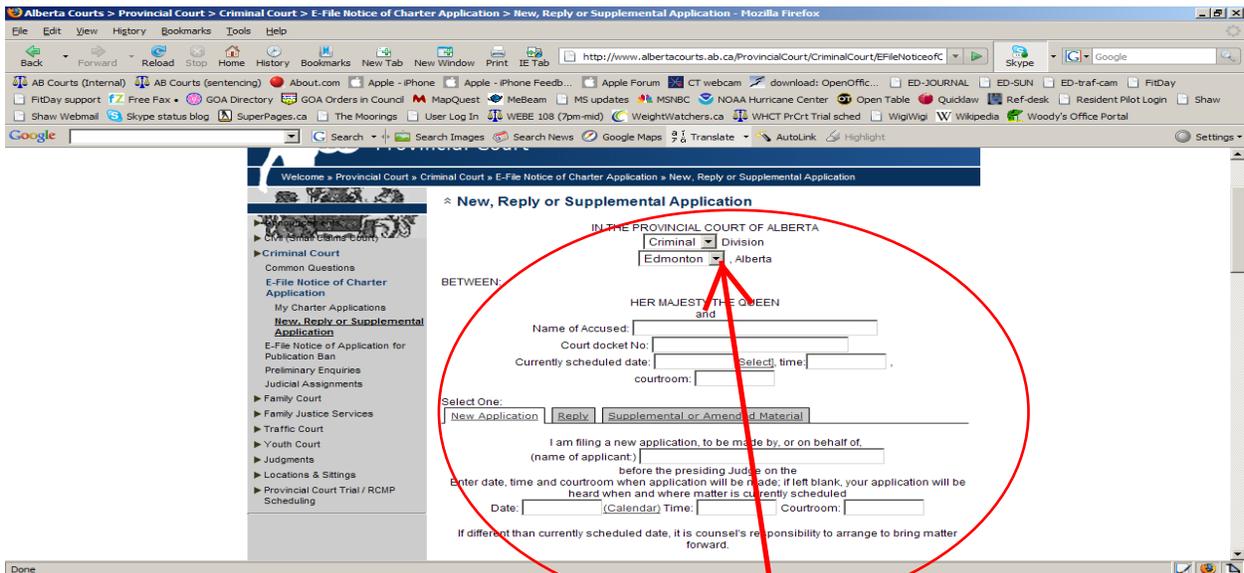


16. Browse to where you have the individual .pdf files. Select (and **Add**) files to produce a single .pdf document; they will be listed here. Arrange files in the preferred order (eg: Brief, cases #1, #2 etc) and follow the prompts to create your single folder.



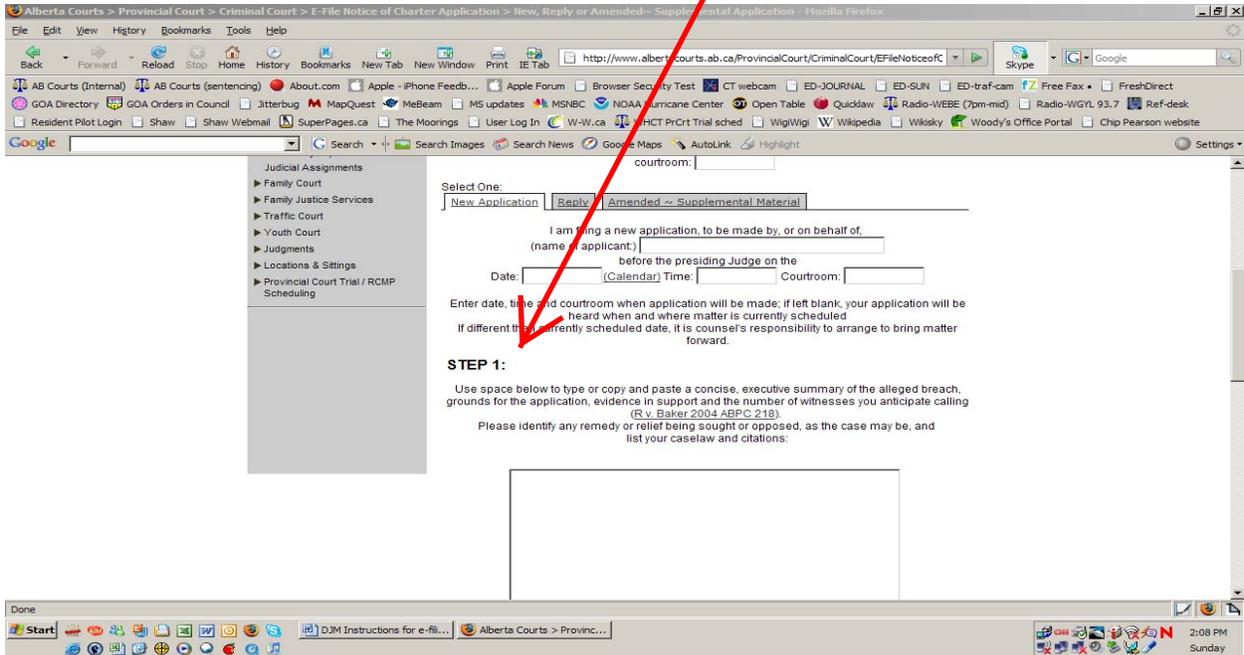
17. Once your folder is assembled and you are ready to e-file, go to the e-file webpage and login. This will take you to the web page where you upload and file your Notice (of application) and materials.





18. Complete the fields shown and scroll down to move through the online form; **make sure you select the proper Court venue and correct Crown law office (further down the page...see step 26.** Clicking any of the "Select..." links will pop-up a calendar. Then, choose the "New Application" tab. Complete the fields shown as **Step 1** in sequence.

When completing these fields, type directly into the field, or, copy& paste from any word processing software application.



21. **Please note that** if you copy & paste the contents of your 'Notice' into these fields, you do not need to upload the Notice itself. When fully completed, the fields will produce a written document whose contents serve as your notice of application. You then only have to upload your written brief and any case materials you require.

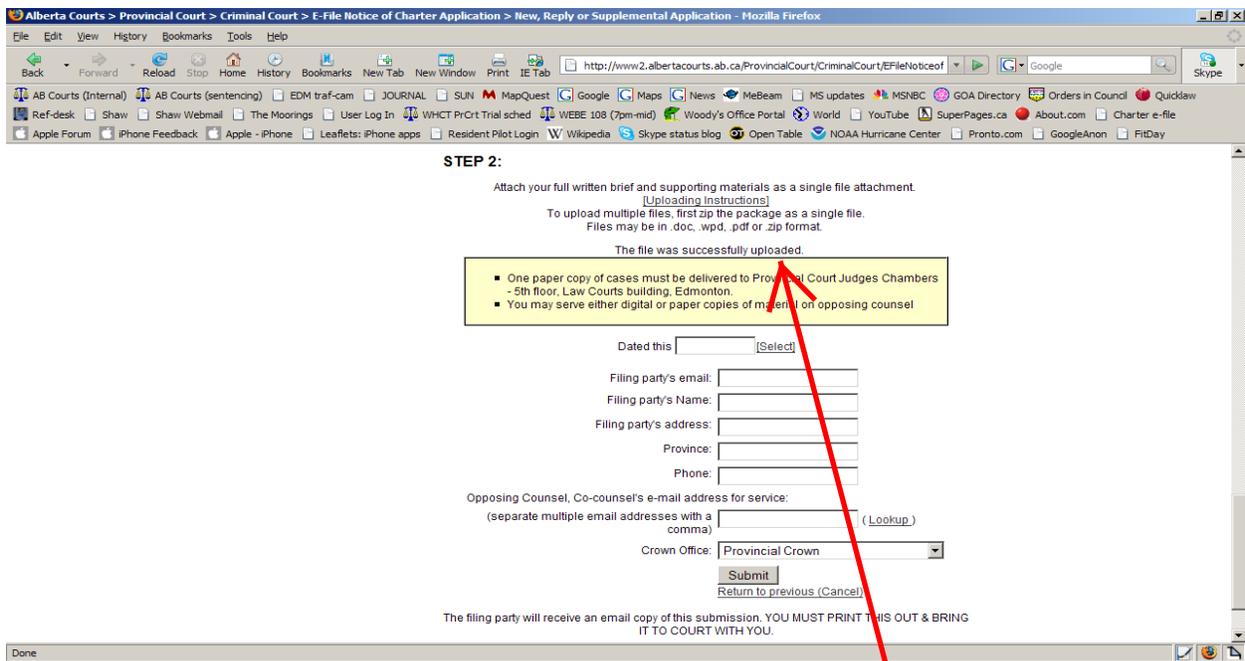
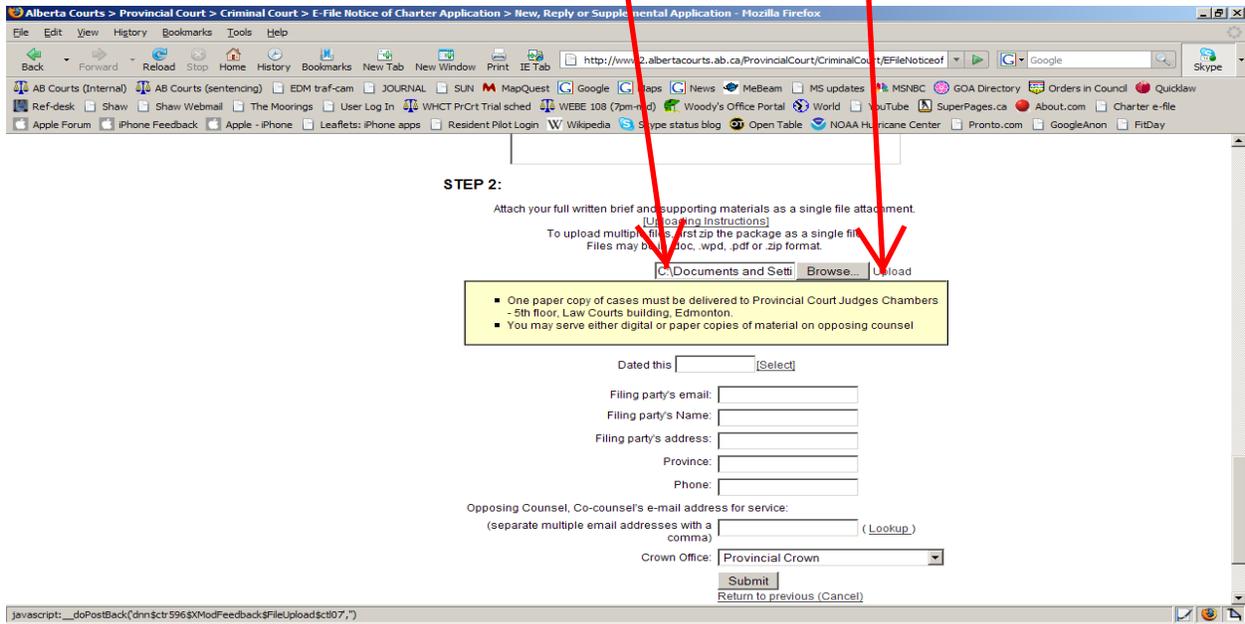
22. In **Step 2**, you will upload the folder containing the materials you assembled earlier; click the Browse button and manoeuvre to the location of those materials on your computer.

The screenshot shows a Mozilla Firefox browser window with the URL <http://www2.albertacourts.ab.ca/ProvincialCourt/CriminalCourt/EFileNoticesof>. A 'File Upload' dialog box is open, showing the 'Look in:' path as 'Charter applications'. The file list includes various documents such as 'Jones doc in txt format', 'Jones dock# 12345 caselaw', 'Jones dock# 12345 summary', 'Jones dock# 12345 written brief', 'Jones summary in WP', 'Jones written arg - May 28 2007', and 'Jones Charter materials'. The 'File name' field contains 'Jones dock# 12345 written brief' and 'Files of type' is set to 'All Files'. Below the dialog box, a 'STEP 2:' instruction panel reads: 'Attach your full written brief and supporting materials as a single file attachment. To upload multiple files, first zip the package as a single file. Files may be in .doc, .wpd, .pdf or .zip format.' It features a 'Browse...' button and an 'Upload' button. A red arrow points from the 'Browse...' button in the instruction panel to the 'Browse...' button in the file upload dialog box. Below the instruction panel, a list of instructions is provided: 'One paper copy of cases must be delivered to Provincial Court Judges Chambers - 5th floor, Law Courts building, Edmonton.' and 'You may serve either digital or paper copies of material on opposing counsel'. The browser's taskbar shows the 'Start' button, 'Elec Charter Instructions...', and 'Alberta Courts > Prov...'. The system clock indicates 3:42 PM on Thursday.

23. Select the folder ("Jones Charter Materials") you wish to upload

The screenshot shows the same Mozilla Firefox browser window as in the previous image. The 'File Upload' dialog box is open, and the 'Look in:' path is still 'Charter applications'. The file list is the same as in the previous image. The 'File name' field now contains 'Jones Charter materials' and 'Files of type' is set to 'All Files'. A red arrow points from the 'Browse...' button in the 'STEP 2:' instruction panel to the 'Jones Charter materials' folder in the file list. The 'STEP 2:' instruction panel and the list of instructions below it are identical to the previous image. The browser's taskbar shows the 'Start' button, 'Elec Charter Instructions...', and 'Alberta Courts > Prov...'. The system clock indicates 3:43 PM on Thursday.

24. It will drop into the "Browse" field; then click Upload.



25. If your file uploads successfully, you will receive advice of this.

26. You **must** complete all fields shown or your filing will not be transmitted; select the proper Crown law office to receive your filing, and click "**Submit**". You will receive an email confirming your filing.

STEP 2:

Attach your full written brief and supporting materials as a single file attachment.
[Uploading Instructions]
To upload multiple files, first zip the package as a single file.
Files may be in .doc, .wpd, .pdf or .zip format.

The file was successfully uploaded.

- One paper copy of cases must be delivered to Provincial Court Judges Chambers - 5th floor, Law Courts building, Edmonton.
- You may serve either digital or paper copies of material on opposing counsel

Dated this: [Select]

Filing party's email: [Text Box]

Filing party's Name: [Text Box]

Filing party's address: [Text Box]

Province: [Text Box]

Phone: [Text Box]

Opposing Counsel, Co-counsel's e-mail address for service:
(separate multiple email addresses with a comma) [Text Box] (Lookup)

Crown Office: [Provincial Crown] [Dropdown]

[Submit]
[Return to previous (Cancel)]

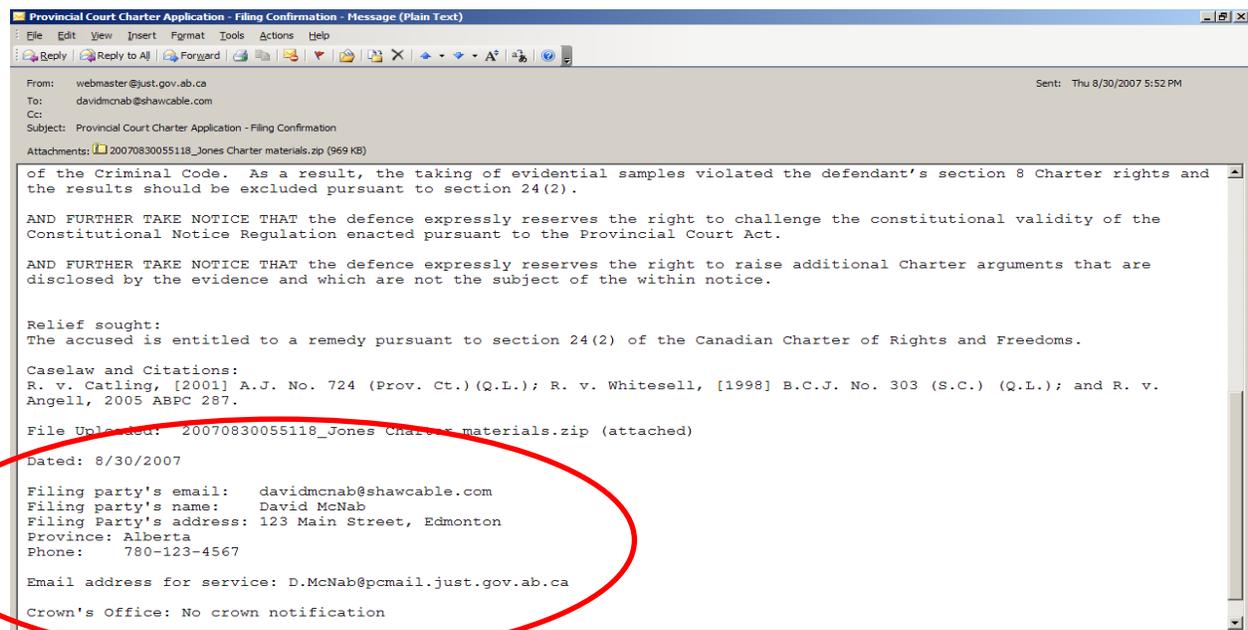
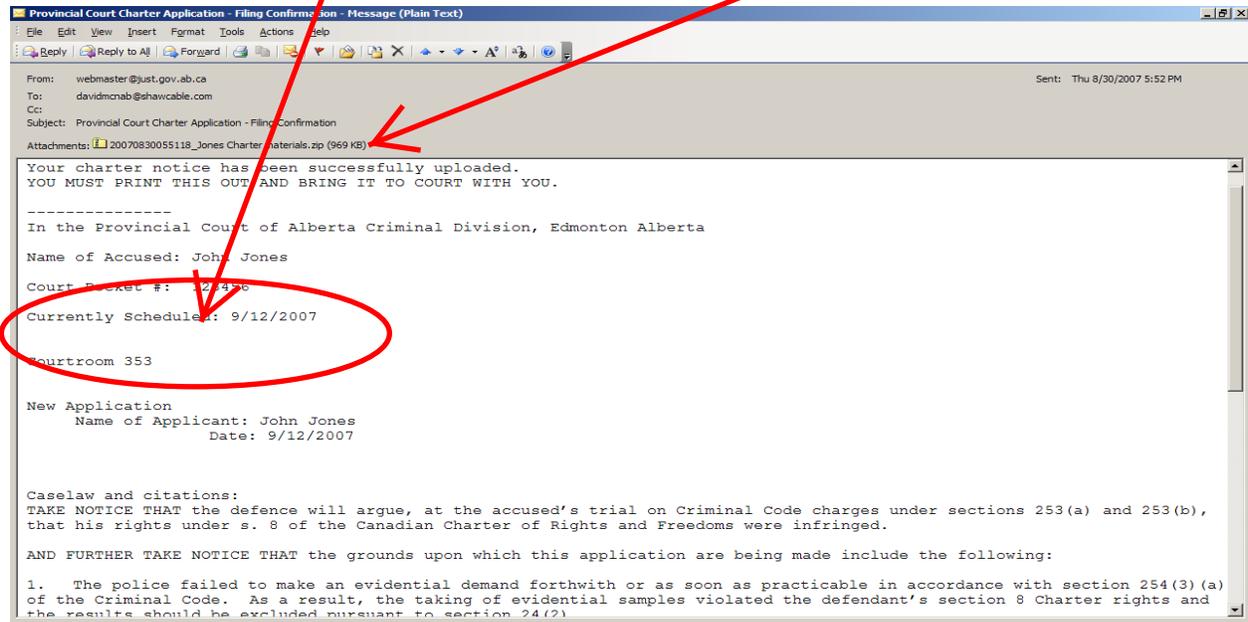
The filing party will receive an email copy of this submission. YOU MUST PRINT THIS COPY & BRING IT TO COURT WITH YOU.

27. When dealing with a specific Crown or defence counsel you can also insert their email address into this field. The "**Lookup**" button links to an online directory of provincial prosecutors' email addresses; you can copy an address and insert it in the online field (**you cannot click the email address in the directory as a means of sending your Charter notice to the Crown...it is for informational purposes only**). There is no online directory for federal prosecutors, and you should contact their office for email advice.

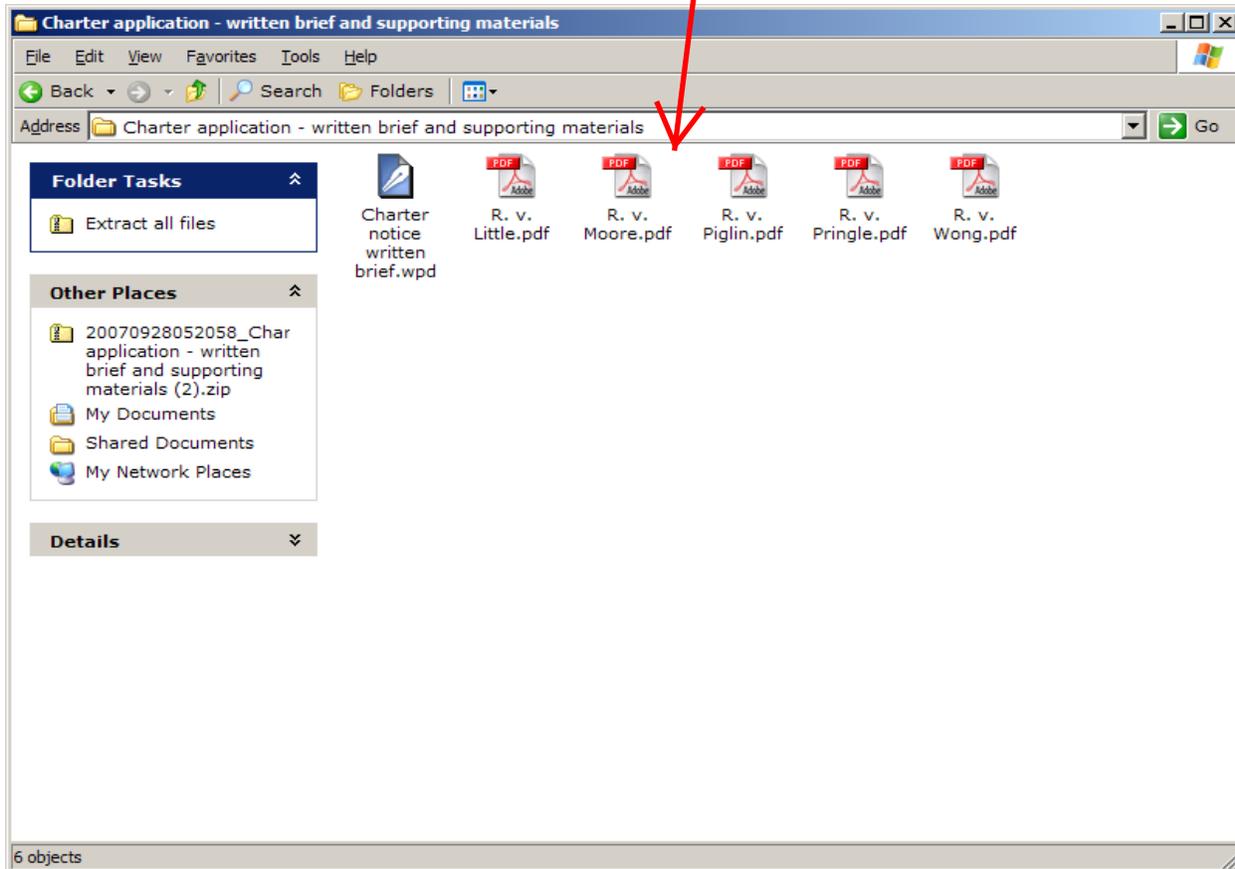
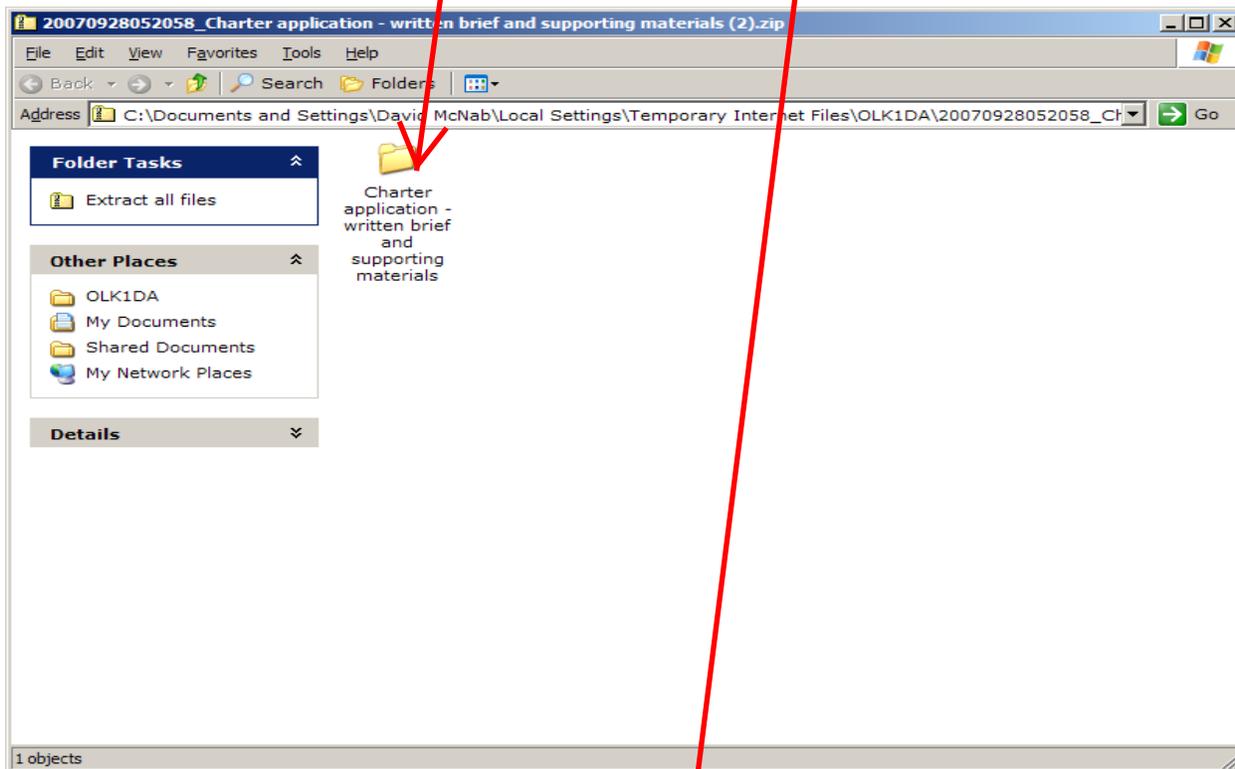
28. The "**Reply**" tab (for use by Crown when an application is filed) functions like the "**New Application**" tab. Once an application is filed and replied to, additional filings or exchange of material by either counsel should be done using the "**Supplemental or Amended Material**" tab.

29. When using the e-file process, counsel should endeavor to see that all material contains digital copies of the authorities relied upon, or, citations of those authorities hyperlinked to their source, thereby permitting the Court and opposing counsel to access the material electronically. There is no requirement to file and serve paper copies of any material that has been filed using the e-file website. **However**, where counsel wish to rely on material that has not been e-filed (eg: unreported decisions), such material must be served upon or faxed to opposing counsel, and filed with the Court, as soon as practicable after completing the e-filing in that matter: **Please read the Practice Directive for more information on this point.**

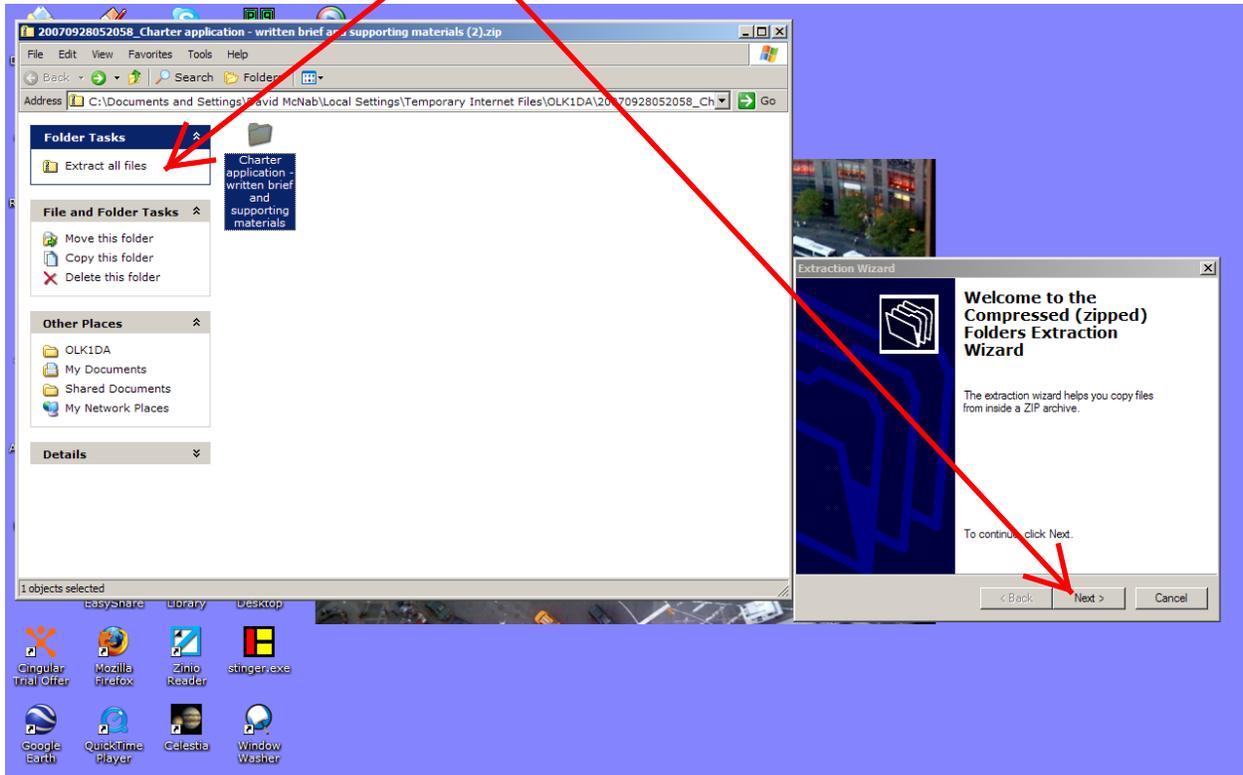
30. **If you receive a notice of an e-filing:** Whether Crown or defence counsel, when you receive notice of an e-filing (whether it is a new application, a reply, or, amended or supplemental material) it will look like 2-part (sample) screen shot of the email notification shown below. This is the email notification that is also received in the clerks' office, the Judges' office, and, which bounces back to your own email address to confirm your filing. The email is in plain text format, and as you type (or copy & paste) into the online fields, the electronic form will supply other information such as style of cause, docket number, court date, and the 'zipped' folder that you uploaded.



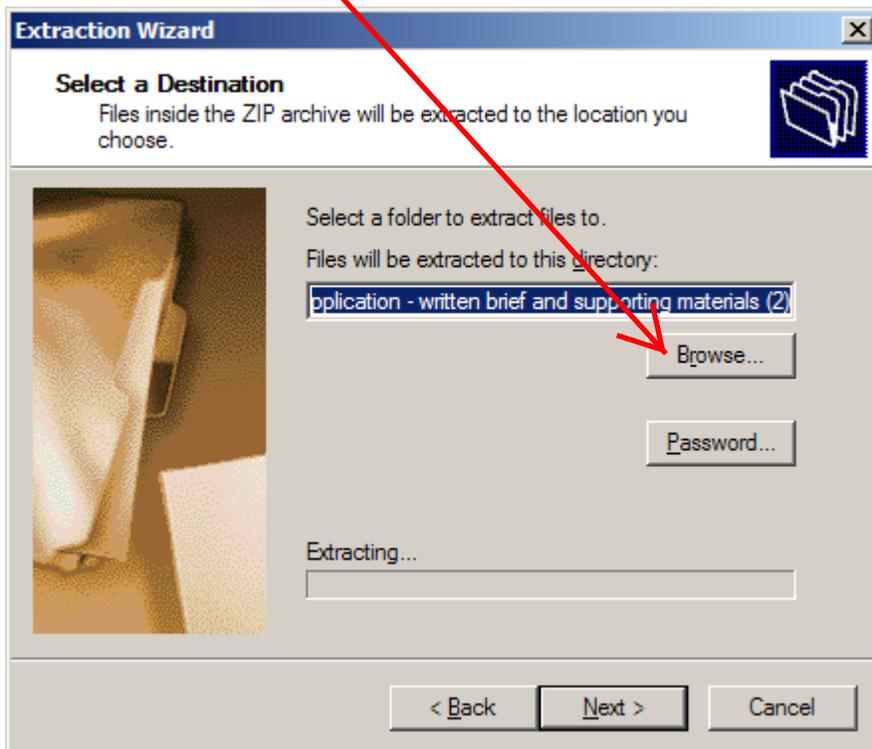
If you click the zipped folder, it opens to reveal files (see 2nd screen shot) that you can read and save.

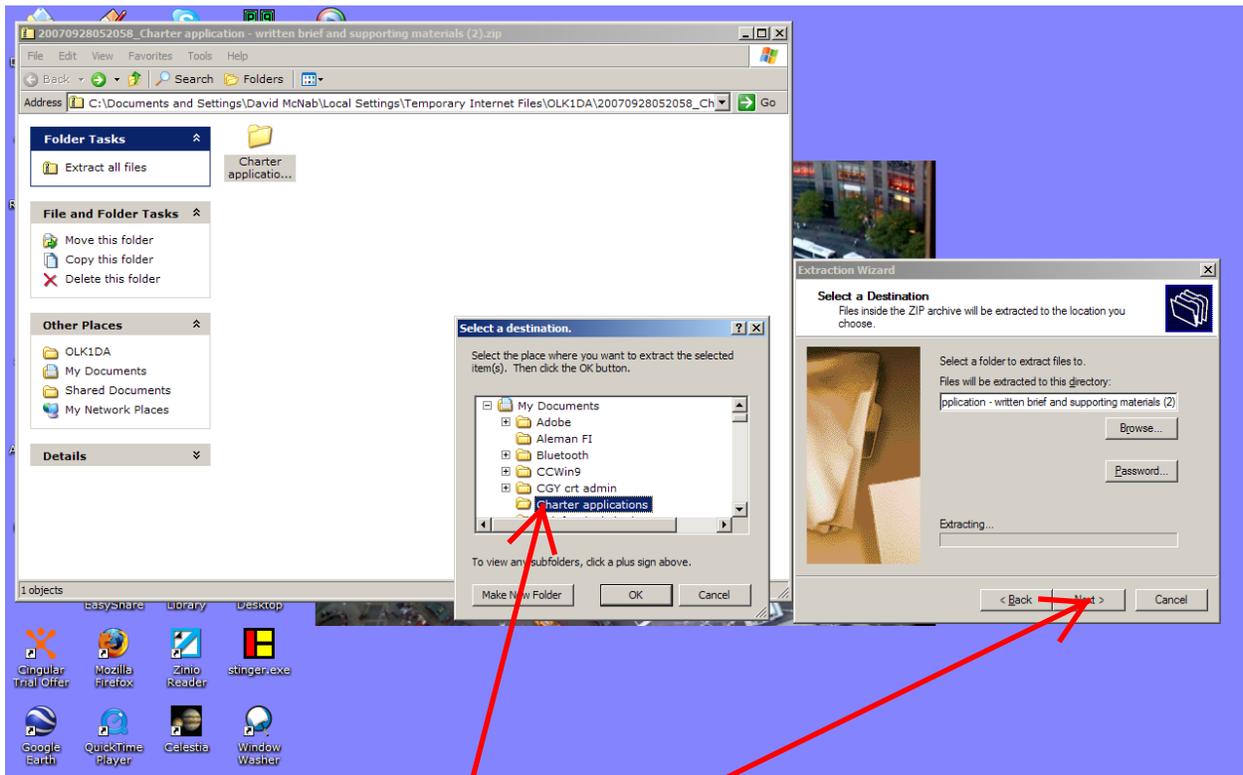


32. You can also click to extract files, and the Windows file extraction wizard will open; click "NEXT".

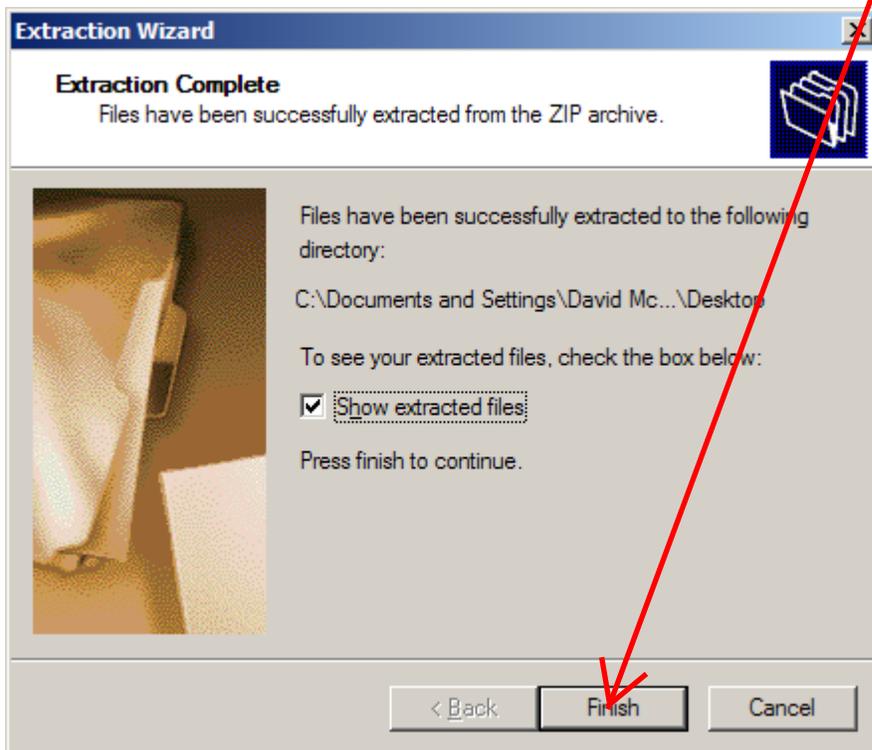


33. Browse to a location where you want to store these files (eg: in a folder called Charter applications).....or, (see next page)



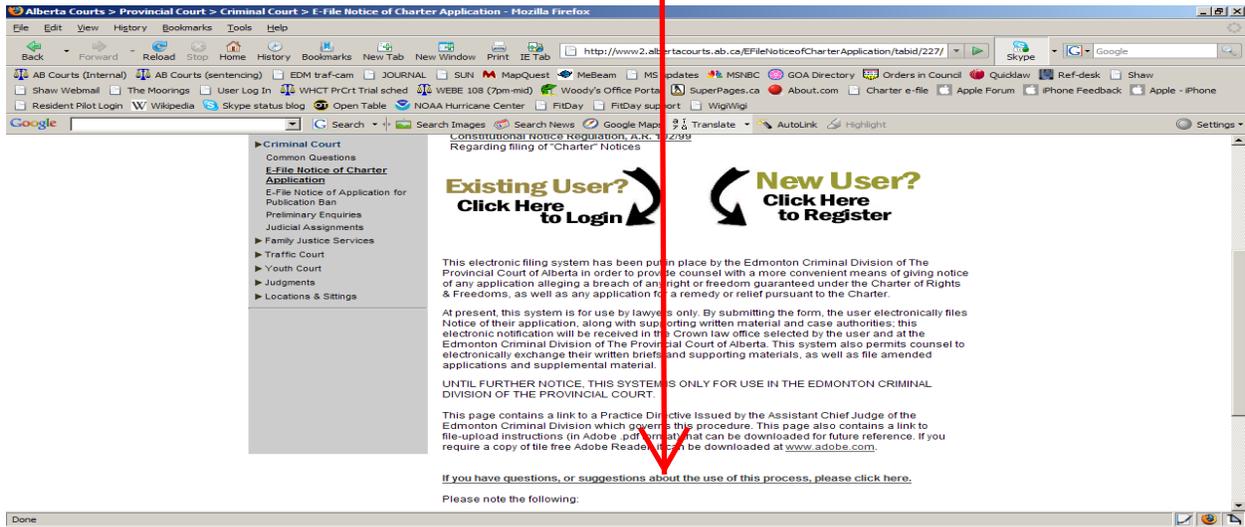


34.....you can create a new folder (eg: Smith Charter application). Click "NEXT" to unzip & store the files in that folder. Click "FINISH" to go to that location and view your folder and its files.

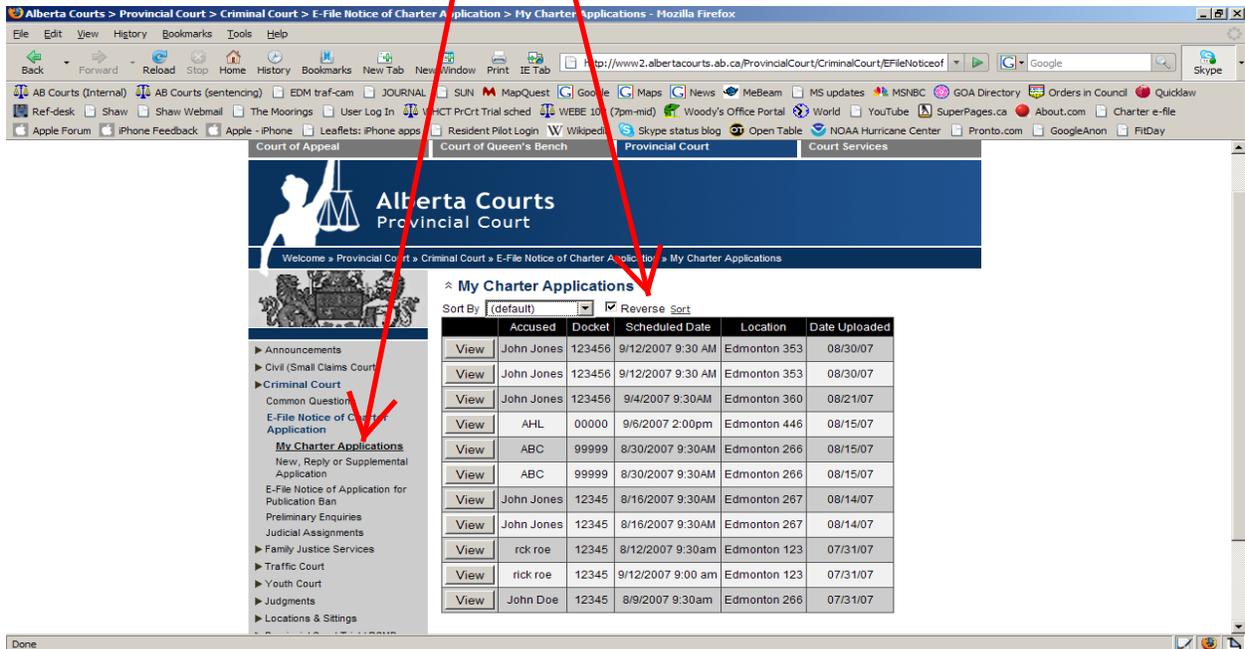


Additional information & screenshots:

A: On the main webpage, you can provide feedback (with questions or suggestions) about this process.



B: Once you login, "My Charter Applications" lists your filed applications. You can sort these by name, docket number and scheduled court date. This will permit you to readily ascertain when you have matters involving a Charter application.



C: If you have any questions, please email me (David.McNab@albertacourts.ca) or call me at the courthouse in Edmonton (780-427-1935).



Provincial Court of Alberta Practice Directive

Electronic Filing of 'Charter Notices' and supporting materials in the Calgary Criminal, Calgary Regional and Edmonton Criminal Divisions

1. Effective June 21, 2010.
2. Notice of any application contemplated by the provisions of **Constitutional Notice Regulation**, A.R. 102/99 may be given to the Court and opposite counsel via the Alberta Courts website (www.albertacourts.ab.ca) at "Provincial Court-Criminal Court-Electronic Filing of Notice of Charter Application and Materials" by completing and electronically submitting ("e-filing") the online form found on this website.
3. Notice of any application contemplated by the provisions of **Constitutional Notice Regulation** A.R. 102/99 may be given to the Court and opposite counsel in paper form.
4. Notice of any application, whether e-filed or paper filed, shall comply with **Constitutional Notice Regulation**, A.R. 102/99.
5. Counsel must create an account on the Alberta Courts website in order to e-file material via the website.
6. Counsel may choose to file a Notice of Application, or Reply, or any supporting materials by e-filing or paper filing. When e-filing is utilized, there is no requirement to serve a paper copy of any material that is e-filed.
7. When a Notice of Application or Reply is e-filed, it is deemed to have been filed with the Clerk of the Court, and the filed Notice of Application, or Reply, will be printed and attached to the relevant Court file.
8. When counsel e-files a Notice of Application, or Reply, counsel should endeavor to e-file all material and supporting authorities at the same time. The material may contain digital copies or hyperlinked authorities and citations, thereby permitting the Court and opposite counsel to access the material electronically.

DATED June 1, 2010

A handwritten signature in black ink, appearing to read "A.G. Vickery".

A.G. Vickery
Chief Judge of the Provincial Court