

**Provincial Court of Alberta
Central Region (only)**

**NOTICE TO THE PROFESSION
2007.2**

Adult Criminal Dockets: Wetaskiwin, Camrose and Ponoka

Due to the volume of CCTV prisoners and all matters in general, morning Adult Criminal Dockets have been frequently extending into the afternoons. This has two serious implications:

1. The CCTV feed from Edmonton Remand Centre is only available until 12:30pm, and if CCTV prisoners are not dealt with by that time, they lose their ability to have their matters addressed in a timely fashion; and
2. It is unfair for those self-represented people who appear on time for their 9:30am court appearances, as they often have to wait two to three hours to deal with their matters because of protracted mid-morning adjournments during which Crown and the Defence bar discuss their cases.

I am aware that a number of factors and players have contributed to this current state of affairs, not the least of which is the Court's caseload. While we have no control over the caseload, I do believe we have a significant degree of control over the following factors:

1. availability of prisoners from Edmonton Remand to meet with counsel via CCTV;
2. availability of Duty Counsel and Defence Counsel, to meet with their clients via CCTV and then the Crown, in advance of the court starting time of 9:30am (Wetaskiwin and Camrose) or 10:00am (Ponoka);
3. availability of the RCMP liaison officers and Crown to meet with Duty Counsel and Defence Counsel in advance of Court starting time.

With the assistance of the courthouse staff, I have been able to determine the following:

1. Edmonton Remand confirmed last week that prisoners will be available to be interviewed by Duty Counsel or their own Defence Counsel via CCTV, no later than 8:45am, and in fact some prisoners could potentially be available for interview via CCTV as early as 8:30am.
2. Mr. Rod Clark, the Senior Crown Prosecutor in Wetaskiwin has made the commitment that that docket Prosecutors are available at the courthouse to speak with Duty Counsel and other Defence Counsel no less than 45 minutes prior to court start time on docket mornings (8:45am Wetaskiwin/Camrose; 9:15am Ponoka). I further understand that he will be requesting that RCMP/Camrose Police Service court liaison officers be available at the

courthouse by that time as well, so that new matters and disclosure will be available for Duty/Defence Counsel in advance of the matter being called in Court.

3. Legal Aid has confirmed to me that it covers Duty Counsel appearing in Wetaskiwin/Camrose commencing at 8:30am and Ponoka at 9:00am. Duty counsel should therefore be available at the courthouse by these times and ready to begin interviewing prisoners by CCTV.

I have communicated directly with Legal Aid and requested that when they appoint Duty Counsel for Wetaskiwin, Ponoka and Camrose, they only appoint Duty Counsel who will make the commitment, without excuses, to be available for 8:30 in Wetaskiwin and Camrose and 9:00 in Ponoka. I have also asked Legal Aid to request that Duty Counsel give priority to Legal Aid Duty Counsel matters on those docket mornings, and not Duty Counsel's own private Defence matters.

The final piece to the puzzle necessary to make this work, is for all Defence Counsel to meet with their clients and the Crown prior to the commencement of Court, and not during the one hour mid-morning adjournments that seem, by practice, to have developed over time. The Court will no longer be granting open-ended, lengthy mid-morning adjournments, so that the Crown and Defence can meet to discuss matters that could have been dealt before court commenced. The Court will be expecting the Crown, Duty Counsel and Defence Counsel to meet prior to the opening of Court to address their matters, particularly since the Crown has now committed to be available for the 45 minutes prior to court start time.

Dated this 11th day of December, 2007.

Directed by:
The Honourable M.R. Bast
Assistant Chief Judge
Provincial Court of Alberta