



PRACTICE DIRECTION ALL REGIONAL COURTS

October 8, 2021

This Direction applies to all Regional courts within the North Region, Edmonton Region, Central Region Calgary Region and South Region.

On September 16, 2021, Alberta declared a state of public health emergency. COVID-19 cases and hospitalizations have been rising largely in unvaccinated Albertans. Vaccination rates vary throughout the Province of Alberta with lower than average vaccination rates in many of the Regional areas with corresponding higher than average infection rates in these same locations.

On October 6, 2021, the Provincial Court announced that Edmonton and Calgary out of custody low complexity non-domestic violence matters scheduled between October 12, 2021 and November 5, 2021 inclusive will be adjourned. The intent of these changes was to protect public safety by reducing the number of people required to gather at the courthouse. On that same date it was announced that all traffic tickets, other provincial tickets and by-law matters in Alberta (with the exception of virtual trials scheduled in Medicine Hat) during the same period would also be adjourned for the same reason.

At that time, it was contemplated that all out of custody regional trials would proceed, subject to an adjournment application on individual cases due to COVID-19 or other concerns. The purpose of the adjournment of these trials set in regional matters was the same – to increase public safety by reducing the number of individuals required to attend the courthouse at the same time.

We continue to review community transmission and vaccination rates in regional areas and related scientific and public health information. Based on further review of the information available, it has now been decided that effective October 12, 2021 and continuing until November 5, 2021 inclusive the following protocols and procedures will be in place in all Regional courts in the province.

1. TRAFFIC COURT

- a. With the exception of virtual trials scheduled in Medicine Hat only, all Traffic Court trials scheduled between October 12, 2021 and November 5, 2021 inclusive will be adjourned. All circuit points with scheduled Traffic trials will be closed between October 12, 2021 and November 5, 2021. No in-person services will be provided in any Traffic Court between October 12, 2021 and November 5, 2021 inclusive. Defendants or their defence counsel or commercial legal agents will be required to contact the respective base court office to address their matters prior to or on the

date set for trial. Conviction may occur if no contact is made.

- b. All provincial ticket, bylaw and other matters scheduled for trial between October 12, 2021 and November 5, 2021 inclusive will also need to be rescheduled. Defendants or their defence counsel or commercial legal agents will be required to contact the court office noted on the back of the ticket to reschedule the trial prior to or on the date set for trial. Conviction may occur if no contact is made.

2. CRIMINAL COURT

- a. All docket courts, including circuit points and Case Management Offices will be conducted virtually. No in-person attendance will be allowed unless the presiding Judge first approves of the attendance.
- b. All trials for accused persons who are not in custody for the matter set for trial between October 13, 2021 and November 5, 2021 inclusive will be adjourned (subject to c below). Defendants or their defence counsel should either bring the matter forward to set a new trial date or attend court virtually on the trial date to reschedule the trial.
- c. Crown and defence are encouraged to discuss all trial matters in advance. If there is reason for the matter to proceed as scheduled, the matter is to be brought forward as soon as possible with an application made to the Assistant Chief Judge (ACJ) or designate for an Order that the trial proceed as scheduled.
- d. The ACJ or designate will determine if special circumstances exist that require the trial to proceed as scheduled and will consider the following in making the determination:
 - i. Whether the trial can proceed virtually;
 - ii. The nature of the charges (eg. domestic violence);
 - iii. The number of witnesses who will be called;
 - iv. Whether the matter has been adjourned previously;
 - v. Whether there are any vulnerable witnesses;
 - vi. The vaccination and infection rates in the specific area where the court is located;
 - vii. Any other circumstance that Counsel consider relevant.
- e. All trials and preliminary hearings for accused persons who are in custody on the matter before the court will proceed as scheduled. Counsel may apply to have the witnesses for trial or preliminary hearing give evidence virtually.
- f. All pretrial conferences will be conducted virtually.

3. FAMILY COURT AND YOUTH CRIMINAL COURT

- a. All docket courts, will be conducted virtually. No in-person attendance will be allowed unless the presiding Judge first approves of the attendance.
- b. All Family and Child Protection trials will proceed as scheduled subject to court direction otherwise.
- c. All pretrial conferences and JDRs will be conducted virtually.
- d. All Youth Court trials scheduled in Wetaskiwin, Leduc, Sherwood Park, Stony Plain, Ft. Saskatchewan and St. Albert will proceed as scheduled
- e. All Youth Court trials scheduled in the regional courts other than the courts itemized in (d) above for youth who are not in custody and set for trial between October 13, 2021 and November 5, 2021 will be adjourned (subject to 2 (c) above). Defendants or their defence counsel should either bring the matter forward to set a new trial date or attend court virtually on the trial date to reschedule the trial.

4. CIVIL COURT

- a. All docket courts, will be conducted virtually. No in-person attendance will be allowed unless the presiding Judge first approves of the attendance.
- b. All trials will proceed as scheduled subject to court direction otherwise.
- c. All pretrial conferences will be conducted virtually.