



Court of Queen's Bench of Alberta

ANNUAL REPORT 2017 - 2018

Our Vision

A leader in innovative, responsive and accessible justice.

Our Mission

To provide an impartial forum for the just and proportional resolution of legal disputes, to preserve the Rule of Law and to protect the rights and dignity of all.

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Message from the Honourable Chief Justice Mary Moreau and the Honourable Associate Chief Justice John D. Rooke



It has been a very exciting year for the Court of Queen's Bench of Alberta ("the Court").

With the appointment of a new Chief Justice of the Court on October 12, 2017 and the creation of the new Court administration, the Justices, Masters and Judicial Staff have been working tirelessly to optimize service to Albertans and to complete important projects begun by the previous administration.

The Court's new administration has a vision of the Court's future, best expressed in its four pillars:

1. Promoting communication and public outreach;
2. Moving toward a paperless court;
3. Embracing diversity, inclusion and access to justice; and
4. Reforming the Family Justice System ("RFJS"), early resolution and referral.

Demystifying the work of the Court and its processes through enhanced communication and public outreach encourages public trust in the justice system. It also assists in positioning the Court as an integral part of the community rather than a remote and foreign institution. The Court has developed an integrated media and communication strategy which will guide our efforts in building an open and trusting relationship with Albertans. We have made important strides in this regard, but still have much to accomplish.

Integrating technology into Court processes to create a paperless court system is long overdue. Court users who routinely manage their affairs on-line, from making appointments and banking to shopping for groceries, will no longer accept processes that require them to travel to a bricks and mortar building to attend to straightforward tasks such as filing a court document or scheduling a court appearance. Albertans not only expect more, they deserve more.

The Court is working closely with government to identify and implement technological solutions to often long outdated processes. While governmental financial constraints are always a challenge, we are seeking affordable ways to become a paperless court and have already taken steps in that direction in our commercial and surrogate court processes.

The Court has taken note of the calls to action put forward by the Truth and Reconciliation Commission. It also recognizes Alberta's rich diversity from the perspective of race, ethnicity, religious beliefs, socioeconomic status, language, geographical origin, gender, sexual orientation and age. Court users are as diverse as the province's population. We are making efforts to ensure that this diversity is reflected

in the people working at the Court and that our processes are inclusive and responsive to the needs of all court users. We are also creating processes and opportunities to expand inclusiveness. This is of critical importance to Court users but it is also enormously important to the Court as an organization as a means of promoting innovation, productivity and effective service to Albertans.

Nous avons aussi adopté des nouvelles mesures visant un meilleur accès à la justice dans les deux langues officielles du Canada en améliorant les notifications concernant le droit d'un accusé de subir son procès criminel en français et le droit d'un justiciable de présenter ses plaidoyers oraux en français dans toute procédure civile.

We have also adopted new measures to improve access to justice in both of Canada's official languages by improving notifications regarding the right to a criminal trial in French and the right to make oral representations in French in all civil proceedings.

The Court continues to labour under unacceptable lead times in most of its judicially led processes, due in large part to insufficient judicial resources. Nevertheless, we are actively exploring ways to resolve matters earlier in the court process and through avenues that do not require judicial intervention, such as mediation and the introduction of criminal pre-trial conferences conducted by Court Officers. These processes free up judicial time, promote earlier resolution, and produce more satisfying results for court users, affording them more control over outcomes.

By resolving matters in a more expedited way we create capacity in the court system for those disputes that do require judicial intervention. This in turn reduces lead times for all matters. We know that when matters are not heard in a timely manner, the consequences can be very serious. For example, in the criminal sphere it may mean staying charges when an accused's right to trial within a reasonable time, as guaranteed by the Canadian Charter of Rights and Freedoms, has been violated. In family law matters it may mean that parenting and financial support issues involving children are not met as quickly as they need to be having regard to their best interests. Results such as this are unacceptable.

We continue to review existing processes, devise creative solutions, in some cases on a pilot project basis, to make our services more accessible and efficient. This includes more aggressively overbooking applications and trials, implementing a variety of new resolution processes and redeploying resources in inventive ways. In considering potential solutions we have invited input broadly and continue to review all viable suggestions.

All of the Court's accomplishments in the past year are the result of tremendous effort on the part of our Queen's Bench Justices, Masters and Judicial Staff. We would like to thank all members of the Court for their dedication to constant improvement and innovation in an effort to better serve Albertans.



The Honourable Mary T. Moreau



The Honourable J.D. Rooke



Organizational Planning

1. Court Governance

The Court’s governance consists of an Executive Board, 10 steering committees and ad hoc committees as required.

The Executive Board consists of the Chief Justice, the Associate Chief Justice and elected members representing Red Deer, Lethbridge, Calgary, Edmonton and the Supernumerary Justices. The steering committees, which are made up of Justices, Masters and Judicial Staff, are:

- | | |
|---------------------------------|---------------------------------------|
| Civil Law | Education |
| Commercial Law | Family Law |
| Communications | French Language and Interpretation |
| Criminal Law | Information Management and Technology |
| Diversity, Inclusion and Access | Strategic Planning |

A member of the Executive Board sits as a member on each of the substantive law steering committees. *Ad hoc* committees are created by the Executive Board or any steering committee to deal with specific issues and are disbanded once their work has been completed. The work of *ad hoc* committees and steering committees typically results in recommendations within their mandate to the Executive Board for consideration.

2. Court of Queen’s Bench of Alberta Strategic Plan

The Court’s second strategic plan was finalized and approved by the Court’s Executive Board at the end of 2016. The Strategic Planning Committee (“SPC”) began by identifying four strategic priorities guiding the Court towards its Vision as a leader in innovative, responsive and accessible justice. Surveys were then circulated to the Justices, Masters and Judicial Staff. The responses were carefully considered and ultimately distilled into the initial version of the Strategic Plan.

The Strategic Priorities that were identified and form the framework for the Strategic Plan are:

- | | | | |
|--|---|---|--|
| Strategic Priority #1
Better integrate technological solutions into our Court operations and the work of the Court and streamline or reinvent our processes in order to alleviate pressure on available resources. | Strategic Priority #2
Critically review the role of the Court in the justice system and align existing services with that defined role to address the current crisis in lead times and facilitate timely access to the Court where appropriate. | Strategic Priority #3
Define reasonable workloads by the capacity of available resources, rather than by the demands that continue to grow and outpace available resources. | Strategic Priority #4
Achieve greater autonomy for the Court in order to ensure judicial independence and adequate resourcing to preserve the rule of law and confidence in the administration of justice. |
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3. The Four Pillars

The Court's Strategic Plan is reviewed annually to ensure that it continues to reflect the Court's goals and priorities, leverages opportunities that arise and overcomes challenges. The annual review was much more robust in 2018 than in previous years to reflect the priorities of the new Court administration following the appointment of Chief Justice Moreau on October 12, 2017.

Specifically, the new administration identified four new pillars to guide the work of the Court, namely communications and public outreach, a paperless court, diversity and inclusion, and RFJS, early resolution and referral.

It will be obvious from the identified priorities in the existing Strategic Plan that there was significant overlap between those priorities and the four pillars. Nonetheless, a more deliberate focus on the pillars was necessary in the Strategic Plan in order to ensure that they were prominent within the priorities and goals in the short, medium and long term.

Accordingly, the members of the Executive Board, the Strategic Planning Committee, the Co- Chairs of the Communications and Education Steering Committees and members of the Judicial Staff spent a weekend retreat in March, 2018 discussing how to best embed the pillars within the Strategic Plan. This led to the identification of new goals under each priority. In an effort to monitor the progress in achieving the articulated goals, key performance indicators were also identified in relation to each goal. The four pillars are described below together with the initiatives being undertaken in each area. More specific discussion of these initiatives is included later in this document in relation to the particular steering committees that have been assigned goals and are working on initiatives in relation to each.

PILLAR 1: COMMUNICATION AND PUBLIC OUTREACH

Our Court will be a leader in internal and external communications. Internally, we will increase transparency and connection through connecting technologies, increased sharing of content and keeping everyone up to date with information that is of value to them. Externally, we will develop new and innovative ways of connecting with our audiences through our new website and increasing our presence through social media and other digital media to inform, engage and activate interest, awareness and consideration of the Court.

This pillar recognizes the importance the Court attaches to finding ways to improve communication with the public in order to demystify the work of the Court and thereby maintain public confidence in the justice system. The Court's desired end state in relation to this pillar is to ensure effective communication by the Court, internally and externally, using contemporary communication methods.

Some of the specific objectives include:

- Building a communication culture within the Court, creating internal communication champions and story tellers;
- Improving media relations;
- Increasing transparency and engaging audiences by informing and educating them in more effective ways using contemporary digital and social communication platforms; and
- Providing timely news and information about the Court and its work. Specific actions that have been taken by the Court to date include:
 - Accessing external, expert resources to assist in the development of an integrated media and communication strategy for the Court;
 - Developing visual identity guidelines;
 - Developing Social Media Terms of Use;

- Creating a media liaison position to better inform the media of what is taking place at the Court across the province;
- Recruiting to a communications director role to effectively direct the implementation of the integrated media and communications strategies;
- Creating a Twitter account (approximately 1,200 followers at the time of writing) to regularly tweet decision summaries and Court community involvement;
- Using Google Analytics to analyze website traffic, pages of interest and content downloads;
- Developing a definition of Court “accredited media” which will inform a number of Court policies and Practice Notes;
- Creating a You Tube account and posting 365 degree videos of the Calgary and Edmonton courthouses;
- Increasing public outreach by Justices, Masters and Judicial Staff;
- Implementing a new email notification system for media on applications for orders restricting access;
- Instituting a streamlined process making it easier for the media to access court exhibits; and
- Launching a new external website with enriched content (including information in French) and a more user friendly design.

PILLAR 2: A PAPERLESS COURT

Our Court will engage new technologies that will drive operational efficiency, security, data storage and better ways of managing our processes in our move toward being paperless. The introduction of new technologies will enable us to transform our processes and ways of working to help increase our productivity, responsiveness and the inter-connection of our systems.

The justice system remains an intensely paper-based system. The Court’s priority is to acquire an electronic court case management system with the ability to assist in managing electronic evidence for Justices. The Court contends that the acquisition, printing, storage, filing and retrieval of paper documents is vastly more cost intensive in the long term than the acquisition of an electronic court case management system. Moreover, as trials and applications are longer and more complex than in the past, it is virtually impossible for Justices to manage thousands of pages of paper evidence in an effective manner.

The Court recognizes that a paper-based system is antiquated, and fails to serve the public as effectively and efficiently as it should. Counsel and litigants are owed a modern system to manage the information flow that is essential to the Justice system. Only by adopting a paperless court, including secure portals for filing and accessing information electronically, can the public, Bar and bench access justice services in a timely and modern system to which all court users are entitled.

Moving into a more technological environment is of course constrained by government funding for technology. Nonetheless, we continue to advocate for investment in technological solutions that will move our Court away from paper. We are also using internal resources where possible to move our internal culture towards paperless processes. The hiring of a Knowledge Manager and a Knowledge Specialist and the acquisition of scanners for many Justices and Judicial Staff have started us on this path. Steps such as these that can be taken prior to the acquisition and implementation of an electronic case management system will assist in managing the change that will ultimately be required for future business processes.

PILLAR 3: DIVERSITY AND INCLUSION

Our Court celebrates diversity in all its forms. We welcome everyone's contributions, energy and talent and celebrate their unique characteristics. We more than tolerate difference, we embrace its creative potential. We will work toward increasing diversity in the assurance that this will make us a more interesting and better place to work as well as a more innovative, effective and productive organization.

The first step in advancing this work in a deliberate way was to create accountability to ensure that we are embedding these values in our processes and our culture. Accordingly, we renamed and expanded the mandate of our existing Access to Justice Steering Committee. The steering committee is now named the Diversity, Inclusion and Access Committee. This committee has begun developing a variety of processes and initiatives that will advance our work in this area. Perhaps most importantly is the development of a Respectful Workplace Policy for Justices, Masters and our Judicial Staff.

PILLAR 4: RFJS, EARLY RESOLUTION AND REFERRAL

Lead Times

*Our Court acknowledges that lead times for many court hearings have reached unacceptable levels. Added to this is the pressure of the Supreme Court of Canada's decision in *R. v. Jordan*³ and the 30-month presumptive ceiling beyond which delay, from the charge to the actual or anticipated end of trial, is presumed to be unreasonable. Unacceptable consequences result when Albertans cannot access timely hearings. We deserve better.*

Accordingly, the Court is innovating processes to ensure that: matters that are better suited to other forums are able to be resolved outside of the court; those that require judicial intervention are able to access judicially led processes as early as possible; and those that require a trial are able to access a trial date within a reasonable period of time.

Early resolution and referrals for matters coming into the Court was a pervasive theme in our existing Strategic Plan. However, we are adding increasingly creative initiatives to help advance these goals. The initiatives that have been put in place to increase resolution opportunities in the family law area have been included under the Family Law Steering Committee initiatives. Those concerning non-family civil and criminal actions are listed below:

A senior Justice in each of Edmonton and Calgary is being dedicated to conducting Judicial Dispute Resolution hearings ("JDRs") for complex civil actions that have been booked for trials exceeding four weeks and occasionally as little as two weeks.

- We are aggressively analyzing collapse rate statistics and integrating these probabilities into our scheduling practices, allowing us to triple or even quadruple book some matters.
- A program of "Have Gavel Will Travel" has been adopted which involves Supernumerary Justices travelling to judicial centres where due to triple or quadruple booking of trials, more than one is proceeding and there is otherwise no available Justice to hear the matter.
- The Rules of Court requiring mandatory Alternate Dispute Resolution ("ADR") prior to scheduling a trial were suspended in February, 2013 due to insufficient judicial resources. To assist in resolving non-family civil matters the Court will be lifting the suspension late this year in instances where the parties have filed a form confirming their readiness for trial.

³ 2016 SCC 27, [2016] 1 S.C.R. 631

- We have hired retired justices as Court Officers on a part time, pilot project basis to conduct criminal, non-jury pretrial conferences in Edmonton and Calgary. In doing so, we are able to offer more pre-trial conferences earlier to address Jordan concerns while freeing up judicial resources to hear matters that require a full hearing.
- With thanks to the Provincial Court of Alberta, Queen's Bench will be using Provincial Court courtrooms for Jordan vulnerable cases when the Judges of that Court are attending education conferences.

Reforming the Family Justice System (RFJS)

It is roundly acknowledged that many family issues are non-legal and are far better suited to resolution in other forums outside of the Court. These forums may take the form of government led services or services provided in the private sector, but there must be effective referral mechanisms in place in order to ensure that family law litigants are able to find the assistance they need in a timely manner. In those instances where the Court is the appropriate issue resolution forum, those mechanisms must be deployed as early in the process as possible to optimize the likelihood of achieving success.

Following two facilitated sessions with court leaders, the Court identified a substantial number of areas for concrete action that will help to ensure appropriate social, relationship, parenting and financial supports are in place for families, and reducing the number and types of issues that proceed to trial. The Court plays a significant leadership role in the RFJS process, and is modelling the kind of change that all members of the justice community need to engage in, to bring about the changes needed to improve outcomes for families.

Key directions for first steps include:

- Writing a message for the Court's external website which explains the culture shift in family law and that only legal matters should be brought into court processes;
- Developing a pilot that will focus on assisting family litigants to limit the adversarial processes in which they engage, and to seek supports to assist them to address their family issues outside of the courts and adversarial processes; and
- Engaging with Resolution Services (Ministry of Justice and Solicitor General) and community supports on a pilot that will employ Resolution Services staff in a new role as "justice system navigators". These staff will be trained in brain science, and will develop maps of community services that will assist families with non-legal needs. The pilot will include the County of Strathcona Family and Community Support Services and Parent Link Services, and if successful, will be expanded more broadly.

4. Increase to the Judicial Complement

To date we have received six appointments into the expanded judicial complement. We anticipate the appointment of the remainder of the positions by the end of 2019. We also look forward to the appointment of a second Associate Chief Justice, the creation of this position having been legislated provincially in March 2015 and federally in December 2017.

5. Judicial Appointments 2017 - 2018

- Justice Steven Mandziuk - September 29, 2017
- Justice Michael Lema - December 19, 2017
- Justice Grant Dunlop - December 19, 2017
- Justice Marta Burns - February 21, 2018
- Justice Bernette Ho - April 3, 2018
- Justice Gaylene Kendell - April 11, 2018
- Justice David Labrenz - May 1, 2018
- Justice James Neilson - May 3, 2018
- Justice Nancy Dilts - May 3, 2018
- Justice Anne Kirker - May 3, 2018
- Justice Jane Fagnan - May 3, 2018
- Justice April Grosse - May 3, 2018
- Justice Michael Kraus - August 29, 2018
- Justice Susan Bercov - November 21, 2018
- Justice Alice Woolley - November 21, 2018

6. Retirements

The Court also wishes to acknowledge the Justices, Masters and Judicial Staff members who have retired and thank them for their years of service and valuable contributions to the Court.

The following Justices retired since the last Annual Report of the Court:

- Justice Bonnie Rawlins - November 2, 2017
- Justice Sal LoVecchio - November 2, 2017
- Justice Gerald Verville - March 1, 2018
- Justice Donna Read - September 1, 2018
- Justice Andrea Moen - September 29, 2018
- Justice James Langston - December 31, 2018



Reports from the Executive Board and Steering Committees

Reports from the Executive Board and Steering Committees

The Executive Board

MANDATE

The Executive Board (“EB”) operates on a consensual model to provide advice to the Chief Justice and Associate Chief Justice in relation to Court policy and operations that do not conflict with the authority of the Council of judges. Aside from the Chief Justice and Associate Chief Justice, members are elected by their cohorts to provide representation from Edmonton, Calgary, Red Deer and Wetaskiwin, Lethbridge and Medicine Hat, and Supernumerary Justices.

MEMBERSHIP

Chair: Chief Justice Mary Moreau
Karen Horner J. (Calgary Rep.)
Ken Nielsen J. (Edmonton Rep.)
Bev Browne J. (Supernumerary Rep.)

Associate Chief Justice John Rooke
Dallas Miller J. (Lethbridge Rep.)
Monica Bast J. (Red Deer Rep.)
Corinne Jamieson QC

KEY INITIATIVES

Independent Court Administration

A business case supporting the movement towards an independent Court administration was submitted to the Attorney General of Alberta in July, 2018. Chief Justice Moreau, Associate Chief Justice Rooke and other Court representatives met with the Deputy Minister, the Assistant Deputy Minister and the Executive Director for Queen’s Bench Administration on November 20th, 2018 to discuss moving forward with an independent court administration based on the business case presented. We continue to meet with government officials to further this important work.

Respectful Workplace Policy

An ad hoc committee was appointed to draft and implement a Respectful Workplace Policy. The Executive Board recently approved the Policy which will address workplace conflict issues. The purpose of this Policy is to establish mechanisms to address conduct issues as they relate to the judiciary and judicial staff, and to resolve conflicts quickly and informally, if possible, in order to restore valuable working relationships. Training relating to the policy has begun with the judiciary. Once the Policy is finally approved by the Council of judges at its annual meeting, communication efforts and further training for Justices, Masters and Judicial Staff will follow.

Court Change of Name

The Court has been working with the Ministry of Justice and Solicitor General to change the name of the Court to the Supreme Court of Alberta. To that end, a Miscellaneous Statutes Amendment Act received royal ascent on December 11, 2018. The legislative amendment gives Cabinet the authority to change the Court’s name through the passage of a regulation.

Civil Steering Committee

MANDATE

The Civil Law Steering Committee:

- Considers policy and operational issues associated with the litigation of civil (non- family) matters at the Court;
- Makes decisions and provides advice in a manner that is consistent with the Court's Mission and Vision;
- Brings a province-wide perspective to the determination of issues and/or advice provided to the Executive Board

MEMBERSHIP

Co-Chairs: June Ross J. and Glen Poelman J.

Robert Graesser J.

Richard Neufeld J.

William Hopkins J.

Dallas Miller J. (Executive Board)

Nancy Dilts J.

Marta Burns J.

Jody Mason M.

Darryl Ruether

Lori Mattis

Oliver Jull

KEY INITIATIVES

Masters Initiatives

In an effort to respond to long lead times, the Civil Law Steering Committee has initiated a pilot project to adopt a variation of the Family Practice Note 2 process for filing of materials for Special Chambers applications in Masters Chambers in Edmonton. This requires parties to file materials with reference to the booking date, rather than the date the application will be heard. The aim of the new filing deadlines is to promote the early exchange of information between parties to foster resolution and ensure party readiness for a hearing. By placing deadlines for filing materials at the front end of proceedings, the Court may slot in applications when matters resolve or are struck for failing to meet deadline requirements.

The Civil Law Steering Committee has also been considering other practices and rules relating to Masters: the Committee issued a reminder to the Bar regarding Masters' jurisdiction; is proposing amendments to the Rules Committee that would permit Masters to order summary trials; and is considering ways to prevent duplication as a result of rules relating to appeals from Masters and fresh evidence on appeal.

Bench Books

The Civil Law Steering Committee is considering the utility of drafting various bench book resources for civil applications, with a view to centralizing resources. Currently, the Committee is in the process of determining whether members of the Court are in favour of, and would use, civil bench books that are not duplicative of the Annotated Rules of Court and what resources would be required to keep a civil bench book sufficiently current to be useful.

Summary Trial Procedures

In 2018, the Civil Law Steering Committee conducted a research review of summary trial procedures and is in the process of preparing additional recommendations for submission to the Rules of Court Committee regarding summary trials.

Mandatory Alternative Dispute Resolution

The Civil Law Steering Committee supported the reinstatement of the mandatory alternative dispute resolution Rules in the Alberta Rules of Court, and solicited and considered input from the Bar and public in this regard. Preparations are currently underway to lift the suspension in the fall of 2019.

Page and Time Limits – Civil Applications

Over the previous year, the Civil Law Steering Committee conducted a cross-jurisdictional survey of page and time limits for civil applications and appellate hearings, with a view to determining whether it would be helpful to impose page and time limits on Chambers hearings. After considering the result of the survey and the issue itself, the Civil Law Steering Committee has recommended against such changes for the time being.

Commercial Law Steering Committee

MANDATE

The Commercial Law Steering Committee considers policy and operational issues associated with Insolvency and Commercial law matters consistent with the Court's Mission and Vision.

MEMBERSHIP

Co- Chairs: Karen Horner J. and Ken Nielsen J.

Glenda Campbell J.

April Grosse J.

Lauren Warrack

Sharon Hinz

James Eamon J.

Michael Lema J.

Darryl Ruether

Brent Dufault

KEY INITIATIVES

E-filing

In 2018, the Commercial Law Steering Committee undertook to develop an e-filing protocol for larger files to be provided to the Court via email. The protocol under development will be very similar to a protocol currently in place in Ontario, with a guide for e-delivery of documents to the Court in commercial matters. The Committee is also working in conjunction with the major Trustees and Monitors to develop an extensive protocol for case websites created and maintained by the Trustee and Monitor appointed. Implementation is targeted for the first half of 2019.

Templates

There is a long-standing template committee made up of members of the Bar in Calgary and Edmonton and members of the judiciary on the Commercial Law Steering Committee. This template committee, in conjunction with the Commercial Law Steering Committee, has revised the Template Initial Order, Receivership Order, Sale Approval Order and the accompanying explanatory notes. These will be posted and circulated in early 2019. Work is underway on draft Mareva and Anton Piller Template Orders, to be finalized within the first half of 2019.

Notice to the Profession and Public

The Committee also initiated a program whereby Calgary commercial matters could be heard on the Edmonton Commercial Duty List (due to differences in volume of workload and wait times) and implemented the program by way of a Notice to Profession and Public.

Accredited Media Definition

The Communications Steering Committee developed a definition of “accredited media”. The definition will inform the Electronic and Wireless Devices Policy, the Audio Recording Policy, Family Law Practice Note 10 and the Policy for Access to Court Audio. The Communications Steering Committee conducted a jurisdictional scan to determine what other provinces are doing in this regard. It also consulted with media representatives and media lawyers in Edmonton and Calgary.

The Executive Board approved the following definition in November, 2018:

To be considered as “accredited media” by this Court a person or organization must (i) satisfy the definition of “professional media” below, and (ii) undertake in writing to comply with the law, Court orders, and Court policies. The Court’s acceptance of the written undertaking gives the person or organization the status of “accredited media,” enabling their participation in the Court’s media programs. The Court reserves the right to decide whether to accept the undertaking.

For the purpose of the Court’s media programs, the Court defines “professional media” as including persons or organizations who in the practice of journalism regularly gather, assess, and accurately present news and information using print, broadcast or electronic means.

Visual Identity Guidelines

The Co-Chairs of the Communications Steering Committee together with members of the Judicial Staff are working with a consultant on brand strategy. Part of this work has involved the development of visual identity guidelines. These include Court positioning, spirit, fonts, colours, patterns, images and an approach to public facing information design. The guidelines will soon be applied to all Court communication to achieve standardization and brand recognition and to contemporize Court communication across all traditional, digital and social media platforms that the Court decides to leverage.

Audio Recording Policy

The Communication Steering Committee recommended and the Executive Board approved an Audio Recording Policy. The policy allows accredited members of the media to make audio recordings of court proceedings. The policy can be found at: <https://albertacourts.ca/qb/resources/media>

Criminal Law Steering Committee

MANDATE

The role of the Criminal Law Steering Committee (“CLSC”) is to advise the Executive Board on aspects of criminal law governance in pursuit of the Court’s Vision and Mission. Specifically, this includes:

- Providing leadership to the Court, and advice and guidance to the Executive Board, on maintaining and strengthening the Court’s capacity to fulfill our criminal law mandate, including in relation to substantive criminal law and procedure.
- Collaborating with the criminal Bar on significant criminal procedure issues.
- Working jointly with other stakeholders, such as Resolution and Court Administration Services, Legal Aid, policing agencies, mental health and forensic assessment services, the media and other participants in the criminal justice system to improve criminal law administration and practice.
- Providing support for and active contribution to the Court’s Governance and Strategic Planning processes through:
 - regular monitoring and assessment of progress in meeting the Court’s strategic goals and priorities related to the Court’s criminal law mandate.
 - undertaking regular review of training, policies and directions related to the Court’s criminal

law mandate and making appropriate recommendations to the Executive Board.

- collaborating with other Court committees, including the Education Committee, in achieving the strategic objectives of the Court related to the Court's criminal law mandate.
- maintaining effective communication/consultation with the criminal Bar and other stakeholders and reporting issues (as necessary) to the Executive Board.

MEMBERSHIP

Co-Chairs: David Gates J. and Paul Belzil J.

Keith Yamauchi J. Beverly Browne J. (Executive Board)

William deWit J. Heather Manweiller

John Henderson J. Suzanne Vickers

KEY INITIATIVES

The CLSC continues to identify strategic and other priorities specifically aimed at addressing criminal case management and delays, as required by *R. v. Jordan*, including:

Time to First Appearance

Time to first appearance in Queen's Bench from committal to stand trial in Provincial Court was standardized by the Court province-wide and reduced to/targeted at one month.

Early and Effective Pre-Trial Conferences

The Court implemented new Criminal Rules requiring Pre Trial Conferences ("PTCs") to be conducted in all criminal matters scheduled for three or more days of trial. The PTC must be scheduled within 120 days of the indictment being filed, or the accused being committed to stand trial in the Provincial Court. In November 2018, the Court commenced a one-year pilot project utilizing a retired Queen's Bench Justice, The Honourable Sandy Park, QC, as a Court Officer, to conduct PTCs for judge alone matters in Calgary and other regional locations, as needed. Funding for a similar one-year pilot project commencing in January 2019 in Edmonton was also secured. A retired Court of Appeal Justice, The Honourable Ron Berger, QC, as a Court Officer, is responsible for conducting PTCs for judge alone matters in Edmonton. Each of them also conduct PTCs by telephone from other regional judicial centres throughout the province.

PTCs for judge and jury matters are conducted by Criminal Duty Roster Justices in Edmonton and Calgary. The Court has dedicated one or two Justices to conduct most PTCs in each of the Judicial Centres outside Edmonton and Calgary. In some centres, such as Fort McMurray, PTCs are conducted in all criminal matters. In many cases, follow-up PTCs are conducted to ensure that the matter is ready to proceed to trial in an orderly and efficient fashion and to explore resolution.

Crown and Defence counsel are required to complete a comprehensive form (CC7) in advance of the initial PTC. The Court amended these forms to solicit information pertaining to Charter applications to stay proceedings under s. 11(b).

The Court has taken steps to enhance PTC effectiveness through bench and Bar education, including: judicial training in effective case management and early resolution; and discussions with the Bar on the importance of pre-trial process at town hall meetings, various committee meetings, seminars, conferences and other speaking engagements.

The Court is monitoring the effectiveness of its PTC activities, with a view to making process improvements.

Criminal Arraignment Court

Counsel are required to appear in a docket-style Court in Calgary and Edmonton to set non- pre-booked matters for trial. Following *Jordan*, counsel must now place their availability for trial on the Court record to assist in finding the earliest possible trial date, to deal with waivers of delay, and to ensure trial availability is on the Court record in the event of a later *Jordan* application.

Consistent with this approach, the Court created and implemented templates for affidavit evidence for Court staff to utilize in lieu of being called to testify on lead time issues in *Jordan* applications.

Electronic and Enhanced Scheduling

Using its electronic scheduling system, the Court carefully monitors the lead times and collapse rates, particularly for criminal trials. The Court significantly overbooks all criminal trials given the known collapse rate for these matters.

The Court continued with enhanced booking for criminal short trials and enhanced booking for criminal long trials by double, triple and, in some Judicial Centres, quadruple booking. Additionally, federal criminal short trials are now being scheduled in Provincial Courtrooms during Provincial Court Judges Education Conferences in May and October.

In January 2018, the Court instituted an annual List Management Meeting with all Queen's Bench Supervising Justices and Scheduling Coordinators throughout the province to address the Court's response to the *Jordan* decision and scheduling and overbooking criminal matters (amongst other topics for discussion). Formerly, periodic List Management Meetings were held with Supervising Justices across the province. Institutionalizing an annual in-person meeting with the Chief Justice, Associate Chief Justice and Supervising Justices and staff is demonstrative of the Court's desire to strengthen its management and coordination of scheduling practices, share knowledge and experience from across the province, and contribute to the standardization of efficient practices.

Jury Support

Together with Resolution and Court Administration Services, the Court is examining juror supports to bring added comforts to members of the public during jury selection and throughout jury trials.

Enhanced Communications/Collaboration

The Court reinstated regular and collaborative Criminal Bench and Bar meetings in Edmonton and Calgary to address criminal justice issues. Work is presently underway to explore means of enhancing the Court's leadership role in other Judicial Centres, including Fort McMurray.

At the Bar's request, various court forms relating to criminal matters were posted to the Court's new external website (e.g. Forensics Assessment Form, Gladue Sentencing Form).

Where possible, these forms are standardized province-wide and consistent with forms used in Provincial Court, reducing unnecessary adjournments arising from incomplete information.

The Court continues to participate with criminal justice stakeholders in the Alberta Justice Summit to address systemic issues and challenges in Alberta. Justice David Gates, Chair of the Public Confidence Working Group, is bringing together Communications and Public Relations professionals to share ideas regarding outreach and communications, with a view to increasing public confidence in the administration of criminal matters.

Judicial Education

In recognition of the increasing complexity in criminal law cases, and as reflected in the Court's Strategic Plan, the Court is dedicated to building and sustaining its capacity to hear criminal cases. A six-week criminal rotation continues to be a mandatory part of the new Justices training program. The criminal rotation assists newly appointed judges to acquire, through the assistance of a dedicated mentor, critical experience in key aspects of criminal law. This hands-on experience is supplemented through individual

training plans that include attendance at programs sponsored by the National Judicial Institute (“NJI”), in-house educational activities, and mentorship by senior members of the Court with subject matter expertise.

Criminal Law 101 was offered by the NJI in January 2018 for newly appointed Alberta Justices. Criminal Law lunch and learns were held (or are scheduled) this year on a number of topics, including: pre-trial conferences, specialized courts, non-custodial dispositions and effective trial management.

Notices to the Profession and Public

- NPP#2018-01 High Potency Narcotics Protocol was implemented on March 13, 2018.
- NPP#2018-04 Notice of Language Rights in Criminal Proceedings was implemented on June 28, 2018.

Diversity, Inclusion and Access Steering Committee

MANDATE

The Court of Queen’s Bench Diversity, Inclusion and Access Steering Committee (“DIA”) is innovative, responsive and essential to improved respect and understanding of inclusion and diversity on the Court, and access to justice.

The role of DIA is to advise the Executive Board on issues pertaining to diversity, inclusion and access to justice in keeping with the Court’s Vision and Mission. The DIA promotes awareness with a focus on breaking down myths and stereotypes, sensitivity and trauma informed practices.

MEMBERSHIP

Co-Chairs: John Gill J. and Gillian Marriott J.
Sandra Hunt McDonald J. Bill Tilleman J.
Steve Mandziuk J. Bev Browne J. (Executive Board)
Sandra Schulz, QC M. Julie Laliberté
Diana Lowe, QC Susan Borsic, QC

KEY INITIATIVES

This Committee was originally constituted as the “Access to Justice Steering Committee”. To ensure that there is the necessary accountability for advancing diversity and inclusion at the Court, in accordance with the second pillar of the new administration, the Committee mandate was broadened to include issues relating to diversity and inclusion. Accordingly, the first task of the DIA was to redraft its Terms of Reference to reflect its expanded mandate.

Indigeneity

The Court takes its responsibility to promote and encourage diversity and inclusion very seriously. To this end we are exploring Indigenous outreach programs, and recently hosted a Diversity Symposium at the Calgary Court Centre in partnership with the University of Calgary. We are optimistic that we will be able to partner in 2020 with the University of Alberta to host a similar symposium.

The DIA Steering Committee is also exploring ways of improving Court awareness of, and building relationships with, diverse communities. The first focus will be with Indigenous communities. Fortunately, there are already strong relationships between members of the Court and Indigenous communities within Alberta. These relationships have provided valuable experiential learning

opportunities for Justices and Judicial Staff, allowing them to become more familiar with Indigenous cultures and traditions. Specifically, a number of Justices have attended smudges and sweats and we hope to continue these initiatives going forward.

The DIA will also work to make our courthouse facilities more culturally sensitive, displaying Indigenous art and displays in our entrance hallways and public areas, and facilitating ceremonies relevant to Indigenous communities.

One example of the latter was a feather ceremony that took place at the Court of Queen’s Bench in Lethbridge on November 16, 2018. The eagle feather has significance to many First Nations including the members of the Blackfoot Confederacy, which includes Siksika, Kainai and Piikani. The eagle feather is used in our Court and in other Courts in various places in Canada in conjunction with the oath or affirmation. The ceremony accepted the eagle feather into the Lethbridge Court House. It will be kept at the courthouse and made available when required. The three Alberta courts have now struck a committee looking at how to implement an “Eagle Feather” option across the province.

Inclusive Language

The DIA is reviewing the language used within our institution to ensure that it is inclusive of Alberta’s rich diversity. To that end, the Court has proposed changing the title of “Master” to “Associate Justice” to eliminate the negative connotation associated with that title and to better reflect their role. We are also engaging with consultants to provide advice on how to ensure our communications and processes are inclusive of the LGBTQ2S+ community.

RFJS

Justice Jerke is an ad hoc member of our committee to ensure liaison with the RFJS project. Diana Lowe, QC is a member of the DIA as well as co-lead of RFJS.

Education Steering Committee

MANDATE

The mandate of the Education Steering Committee is to design and deliver programs of study, education seminars and courses for the judiciary in collaboration with the NJI. Judicial education has four dimensions: substantive law, skills, social context and judicial well-being. The subjects taught alone or integrated together are intended to ensure that Justices have the ability to judge fairly and impartially thereby serving all Albertans.

MEMBERSHIP

Co-Chairs: Rosemary Nation J. and Robert Graesser J.

Craig Jones J. Wayne Renke J.

Michele Hollins J. Johnna Kubik J.

David Labrenz J. Jane Fagnan J.

Benga Shoyele Lori Mattis

Marlice Want

KEY INITIATIVES

Judicial Education Conferences

The Court remains dedicated to the continuing education of Justices, Masters and Judicial Staff and the role of the Education Steering Committee in these efforts is central. The Court hosts annual education conferences for three days in January and September, and one day in May. The agendas for these conferences are developed by the Education Steering Committee with support from the NJI.

In response to the expanded Court complement and the increase in appointments to the Court, the Education Steering Committee has created “101 Seminars”. These seminars are typically a full day and they are intended to provide recent appointments and more junior Justices with an overview of important procedural and substantive issues in a particular area of law, such as sexual assault trials, family law hearings and JDR.

A Criminal Law 101 was held on January 30, 2018. This was followed by a three-day program on courtroom management, evidentiary issues, family law (updates, spousal support, domestic violence, attachment parenting, unjust enrichment) and administrative law.

In May 2018, a one-day program was delivered to all of the Justices of the Court on challenging issues in sexual assault trials.

In September 2018, as part of the fall education conference, a Family Law 101 program was offered. The remainder of the conference was dedicated to financial literacy in family law and technology. In January 2019, during the winter education conference, the subject of the 101 seminar was Judicial Dispute Resolution and Early Intervention Case Conferences. The remainder of the three-day conference focused on injunctions, estate litigation, the legalization of cannabis and Indigenous history and culture (focusing on the Blackfoot Nation). It also included a session with University of Calgary law students that focused on Blackfoot history and an explanation of the role and function of the Indigenous courtroom in Calgary. The Court’s new Respectful Workplace Policy was also rolled out and some training was provided.

Following the recommendations of the Truth and Reconciliation Report, the Steering Committee’s current and long-range planning will continue to provide education on Indigenous issues. The intention of this education is to give the Court a better understanding of the issues often confronting Indigenous people and provide the Justices with tools and strategies to better address these issues going forward. The one-day education session in May, 2019 will be a joint education program with the Court of Appeal and the Provincial Court on Indigenous issues, including intergenerational trauma, truth and reconciliation issues and some cultural events. Also, the Education Committee is working on education sessions for September 2019. Current plans include sessions on juries and judicial wellness. Finally, the Committee is in the very early planning stage for January, 2020, which will include a session on Cree history and culture.

With the NJI’s newly mandated judicial education requirements of 10 days of professional development programming per year, the Committee is also working on tools and resources to assist the Justices with planning and completing their professional development plans.

New Justices’ Education

An *ad hoc* committee under the authority of the Executive Board has been tasked with the responsibility of devising and implementing effective educational processes for new judicial appointments. As the Court had 12 judicial appointments in 2018 and is expecting another 11 appointments this year (including a second Associate Chief Justice), this work has never been more critical.

The *ad hoc* committee has been instrumental in championing the Court's adoption of mandatory education for new Justices. It has also developed a program for new appointments that includes a six-week orientation period, including shadowing more senior Justices, as well as subject matter rotations with six weeks dedicated to each of civil, family and criminal law.

The *ad hoc* committee also developed an IT training program for new Justices which ultimately holds the new Justices accountable to complete the IT training within a reasonable period of time. The new Justices training program at the Court was described as the best and most comprehensive program across Canada by a group of new judge trainers that met last June and December in Ottawa.

Family Law Steering Committee

MANDATE

The Court of Queen's Bench Family Law Steering Committee has primary responsibility for policy development in the area of family law. The mandate of the Committee is to provide support and assistance to Justices so that they may fairly adjudicate the legal issues in family law cases in a just, efficient and appropriate manner.

The Committee makes recommendations and provides advice in a manner that is consistent with the principle of judicial independence as well as the Court's Mission and Vision Statements.

The responsibilities of the Committee specifically include:

- Drafting Terms of Reference for the Committee, to be approved by the Executive Board;
- Drafting Work Plans for the Committee, to be approved by the Executive Board;
- Providing advice to the Strategic Planning Committee on family law challenges, opportunities, policy and priorities;
- Ensuring the family justice priorities in the Court's Strategic Plan are met; and
- Creating ad hoc committees as necessary to further the work of the Committee.

MEMBERSHIP

Co-Chairs: Charlene Anderson J. and Debbie Yungwirth J.

Monica Bast J. (Executive Board)	Kim Nixon J.
Bonnie Bokenfohr J.	Janice Ashcroft J.
Michael Kraus J.	Gaylene Kendell J.
Heather Manweiller	Corinne Jamieson, QC
Robyn Mitchell Nicky Brink	

KEY INITIATIVES

The Family Law Steering Committee ("FLSC") continues to identify strategic and operational priorities specifically aimed at early resolution of family law matters. To this end, the FLSC recommended and/or implemented the following procedural and policy changes over the last year.

Early Intervention Case Conferences

Phase I of the mandatory Early Intervention Case Conference ("EICC") Pilot Project commenced in Edmonton, Calgary, Red Deer, Lethbridge and Medicine Hat in September 2017. The objectives of the two-year EICC pilot project include:

- creating a culture of early resolution in family law within the Court, with the assistance of a Case Conference Justice and with the intent to avoid the need for ongoing litigation;

- assisting parties to resolve as many issues as possible, thereby reducing the number of applications that family law litigants are required to make to achieve the objectives for families as they restructure – all in a manner that is in the best interests of children;
- reducing the number of files that require case management; and
- for those matters that must go to trial, ensuring they get to trial within a reasonable period of time.

Statistics to date suggest that the pilot project has been extremely successful. Specifically, one or more issues are resolved in 72% of the case conferences.

Practice Notes

Practice Note 10

Practice Note 10 aims to protect personal or identifying information on Family Court files. This Practice Note requires notice to be provided to family law litigants when a member of the public wishes to access their Family Court file. Once notice is provided, family law litigants may file an application to prevent or restrict access to personal information included on the Court file. Exceptions are provided for parties, a lawyer of record, persons authorized by the parties or their lawyer, members of the media accredited by the Court and government employees acting in the course of their employment who require access to the Family Court file.

Practice Note 2

The revised Practice Note 2, which outlines amended filing requirements and deadlines for family law applications, was implemented on April 3, 2018. The amendments were recommended following input from the Family Law Bar and other stakeholders. The intent of the amendments is to ensure that documents are filed in the appropriate court venue, in a timely manner, providing only the evidence required to determine the application.

Of particular note, the implementation of this Practice Note attaches deadlines for filing materials to the number of days following the scheduling of the application. Previously, these deadlines were attached to the date of the hearing. It is anticipated that “front-end loading” the filing deadlines will promote early resolution through the exchange of materials well in advance of the hearing date; and has reduced lead times by allowing court time to be re- booked as matters collapse when they are resolved or when they are struck for failure to meet the filing deadline requirements.

Practice Notes 7 and 8

Practice Note 7 allows the Court to make an order appointing a Parenting Expert to conduct an intervention in cases where families are experiencing a state of high conflict and the Court requires the assistance of an expert to provide insight into the family dynamics. Practice Note 8 is used in a small minority of matters where families have encountered an impasse and the Court requires an expert to provide an objective assessment of the family and recommendations by a Parenting Expert regarding what is in the best interests of the children.

Following almost two years of consideration and extensive consultation with stakeholders, including family law experts, recommendations were made by the FLSC to the Executive Board. Those recommendations were approved on November 23, 2018 and they will be presented to the Council of judges for consideration and approval in May 2019.

If approved the most significant amendment to Practice Note 7 will be that deadlines will be set for all participants in the process, namely:

- 14 days to select a Parenting Expert;
- 30 Days to get an intervention order; and
- 3 months for a Parenting Expert to provide the Court with a status report.

Additional amendments include:

- A definition of “Parenting Expert” to ensure that there are sufficient qualifications associated with this role.
- Desk applications will be allowed on consent.
- These files will no longer be automatically streamed into case management when the Practice Note is invoked, rather it will be on the recommendation of the Justice ordering the report.
- Further applications will not be permitted without leave until an intervention is complete.
- An automatic authorization directed to third parties to release records and information has also been included.

The amendments to Practice Note 8 include:

- When an Evaluation (formerly an “Assessment”) is ordered, the matter is also set for trial.
- Timelines and deadlines are set out.
- Desk applications are allowed.
- Further applications are prohibited without leave until the Evaluation is complete.
- Parties may make a request for case management within 7 days of an order.
- Parties are mandated to discuss resolution or prepare for trial within 60 days of completion of the Evaluation.

Practice Notes 4 and 9

The FLSC has been consulting on proposed changes to Practice Note 4, Dispute Resolution Officer Project (Calgary) and the Child Support Resolution Project (Edmonton). The aim of this review is to harmonize the two distinct processes offered in Edmonton and Calgary.

The Committee has also been working towards the expansion of Practice Note 9, which provides for Intake, Resolution and Caseflow Management in Calgary and Red Deer. Ideally, these services will ultimately be offered throughout the province but the FLSC’s priority is to see the services expanded to Edmonton in the near term.

These proposed changes are being pursued in order to assist parties to resolve their legal disputes through agreement as early and efficiently as possible, in an effort to reduce family conflict and the need for Court involvement. Work on these proposed changes is presently on hold while the Committee contemplates what amendments to existing services may be impacted by the implementation of an Alberta Family Court.

Family Resolution Week

Following a recommendation from the FLSC, the Executive Board approved the implementation of a Family Resolution Week in September 2018. A Justice is now assigned to Family Resolution Week each week in Edmonton and Calgary. During that week there are 10 opportunities for early resolution scheduled, namely, one family JDR, six EICCs, and three family pre-trial conferences. Pre-trial conferences, which are being reintroduced as part of the Family Resolution Week, are required for family matters scheduled for trial for three days or longer and where one or more parties are self-represented. Two of the six EICCs in the Family Resolution Week may be scheduled at the joint request of the parties, provided other selection criteria are met; otherwise files for EICC are selected by Justices in Family Chambers in accordance with identified selection criteria.

Emergency Protection Order Processes

As reported in the previous Annual Report, a review of the protection order system was undertaken in response to a number of concerns that were raised about the efficiency and responsiveness of the exiting processes. The review was undertaken by an *ad hoc* committee of the FLSC and input was invited from impacted stakeholders.

Following recommendations made by the *ad hoc* committee and ultimately the FLSC, the Executive Board approved implementation of new Emergency Protection Order processes commencing in September 2018. The new processes include:

- Attaching a summary to every Court file reviewed in Family Chambers, allowing Justices who hear the matter subsequently to easily retrieve relevant file details at the hearing.
- Establishing a policy requiring all Orders to be completed in Family Chambers, such that no party leaves the courthouse without a signed (template) Order in place.
- Implementing these recommendations will ensure that protection orders can be dealt with and enforced more effectively, thereby better meeting the needs of the applicants, respondents and third parties.

Alberta Family Court

The FLSC, together with representatives from the Federal and Provincial Ministries of Justice and the Provincial Court, are collaborating on the phased development of an Alberta Family Court (“AFC”). The Federal Government included the AFC in its February 2018 budget, announcing the creation of 17 “superior court judge posts” to commence Phase 1 of the AFC in Edmonton and Calgary (where the majority of the associated family justice services are presently available). The FLSC continues to work on a shared approach to existing family support services, consistent with the RFJS theory, in contemplation of a phased-in approach to the implementation of the AFC.

Judicial Education

Family Law lunch and learns were hosted by the FLSC on a number of topics this past year, including:

- Interim vs. Final Orders in Family Law;
- Judicial Interviews with Children;
- Brain Science; and
- Privacy and the Press, Publication and Access Restrictions in Family Law.

Comité directeur sur l’emploi du français et des services d’interprète

LE MANDAT

Le Comité directeur sur l’emploi du français et les services d’interprète de la Cour du Banc de la Reine (« CDFI ») joue un rôle primordial dans l’amélioration de l’accès à la justice en français et au recours aux services d’interprète en Alberta. Ce comité répond de façon innovatrice à la réalité et aux besoins linguistiques des albertains.

Le CDFI a pour rôle de conseiller le comité exécutif sur des questions touchant les droits linguistiques, l’emploi de la langue française, ainsi que les recours aux services d’interprète en Alberta. Plus particulièrement, le CDFI a pour mandat de:

- Jouer un rôle de chef de file en conseillant la Cour relativement aux questions de fond et de procédure relatives à l’emploi de la langue française, surtout en ce qui concerne la mise en œuvre des droits garantis par la Charte, ainsi que les lois, règlements et politiques en matière de droits linguistiques.
- Collaborer avec les membres de la profession juridique sur des questions importantes en matière de langue française et de services d’interprète.
- Collaborer avec d’autres intervenants, tels que Resolution and Court Administration Services, le Secrétariat francophone, l’AJEFA, l’aide juridique, les médias et d’autres participants afin de sensibiliser davantage le public, les établissements et les organismes sur l’emploi du français dans

- des procédures devant la Cour, ainsi que de simplifier l'accès aux services judiciaires en français.
- Appuyer les processus de gouvernance et de planification stratégique de la Cour et les efforts des autres comités de la Cour.

MEMBRES DU COMITÉ

L'honorable juge Vital Ouellette (président) L'honorable juge Kristine Eidsvik
L'honorable juge David Gates L'honorable juge Bev Browne
L'honorable juge April Grosse L'honorable juge Jane Fagnan
Julie Laliberté

INITIATIVES CLÉS

Site web

La page d'accueil du nouveau site web de la Cour offre des informations en français et en anglais. De même, la page sur l'emploi de la langue française et les services d'interprète, est disponible dans les deux langues officielles. La traduction d'autres pages est à l'étude et une demande de financement a été présentée au gouvernement fédéral à cet égard.

L'article 530 – Avis concernant les droits linguistiques dans les instances criminelles

Les droits linguistiques accordés par la Partie XVII du Code *criminel* s'appliquent à tout procès de nature criminelle. L'article 110 de la *Loi sur les Territoires du Nord-Ouest*, SRC 1886, c 50, art 110 [abr et rempl 1891, c 22, art 18], toujours en vigueur en Alberta, prévoit que toute personne puisse faire usage soit de la langue anglaise, soit de la langue française dans les procédures devant les cours de justice. Il s'applique aux procédures intentées sous l'autorité des lois fédérales de nature criminelle ou qui risquent d'entraîner des conséquences pénales. Tout individu accusé d'une infraction criminelle peut faire une demande pour un procès ou une procédure connexe (par exemple la mise en liberté provisoire par voie judiciaire) en anglais, en français, ou bilingue. Selon la situation, une telle demande peut être faite à diverses étapes de la procédure, y compris avant que la date du procès soit fixée ou lors de la conférence préparatoire à la Cour du Banc de la Reine.

La Cour doit être informée d'une telle requête dans les plus brefs délais afin d'éviter des retards indus. Le 1er juin 2018, la Cour du Banc de la Reine a établi une nouvelle procédure afin d'assurer que tout accusé, peu importe son nom ou préférence linguistique présumée, soit systématiquement informé des droits accordés en vertu de la Partie XVII. Cette procédure est mise en œuvre par le biais d'avis écrits et affichés, ainsi que par des questions posées oralement lors des procédures devant le tribunal des comparutions. Le comité exécutif a approuvé la circulation d'un bref avis écrit, lu à voix haute par les juges, et un feuillet d'information bilingue contenant de plus amples informations. La Cour reçoit aussi des renseignements relatifs à la langue du procès dans le cadre du rapport de la conférence préparatoire (formule CC7). Dans le cas d'un accusé représenté, la formule CC2 a été modifiée pour exiger un énoncé confirmant que l'accusé est au courant des droits conférés par la Partie XVII. Le 28 juin 2018, la Cour a fait circuler à la communauté juridique et au public un avis bilingue intitulé *Notice of Language Rights in Criminal Proceedings/Les droits linguistiques dans les instances criminelles afin d'expliquer la nouvelle procédure*.

Affichage

L'arrêt R c Beaulac⁴ énonce que les tribunaux devront assurer le bilinguisme institutionnel pour tous les accusés. Notre Cour doit être en mesure de veiller à ce que cet arrêt soit systématiquement respecté. À cette fin, nous avons amélioré l'affichage dans les palais de justice à travers la province. Les nouvelles affiches signalent le droit d'un accusé de subir son procès dans l'une ou l'autre des langues officielles en vertu de l'article 530 du Code criminel. Les affiches sont imprimées à Edmonton et envoyées à tous les centres de la province.

⁴ [1999] 1 RCS 768

De plus, on a mis en place une directive selon laquelle les greffiers de la Cour du Banc de la Reine doivent s'assurer qu'un exemplaire de l'affiche est déposé à la table des avocats dans la salle d'audience, est accessible aux accusés et est placé sur le banc pour les séances pénales.

Autres mesures

En 2018, le CDFI a appuyé les efforts de Resolution and Court Administration Services en vue d'embaucher de greffiers bilingues à Calgary. À l'heure actuelle, nous avons 5 greffiers bilingues en Alberta : 2 à Calgary, 2 à Edmonton (un à temps plein et un disponible sur appel) et un cinquième à Rivière-la-Paix. Resolution and Court Administration Services est en période de recrutement et espère embaucher deux autres greffiers bilingues d'ici peu.

French Language and Interpretation Steering Committee

MANDATE

The Court of Queen's Bench French Language and Interpretation Steering Committee ("FLISC") is innovative, responsive and essential to improved access to justice in French and the use of interpreters in Alberta.

The role of FLISC is to advise the Executive Board on language rights issues and the use of French and interpreters at the Court. Specifically, this includes:

- providing leadership and guidance to the Court in relation to substantive and procedural French language issues, in particular, the implementation of Charter rights, languages rights legislation, regulations and policies;
- collaborating with the Bar on significant French language and interpreter issues;
- working jointly with other stakeholders, such as Resolution and Court Administration Services, the Francophone Secretariat, l'Association des jurists d'expression française de l'Alberta, Legal Aid, the media and other participants to improve public and institutional awareness regarding use of the French language in Court proceedings, and simplified access to Court services in French; and
- providing support for the Court's Governance and Strategic Planning processes, and the work of other Court Committees.

MEMBERSHIP

Vital Ouellette J. (Chair)
David Gates J.
April Grosse J.
Julie Laliberté

Kristine Eidsvik J.
Bev Browne J.
Jane Fagnan J.

KEY INITIATIVES

Website

The *French Language Rights and Interpretation and Welcome* pages on the Court's new website are available in French and English. The translation of additional pages is being explored and a request for funding has been made to the Federal Government in this regard.

Section 530 - Notice of Language Rights in Criminal Proceedings

The language rights granted in Part XVII of the *Criminal Code*, apply to all criminal trials. Section 110 of the *North-West Territories Act*, RSC 1886, c 50 [rep & sub 1891, c 22, s 18], which remains in force in Alberta, provides that either the English or the French language may be used by any person in proceedings before the courts, and applies to all proceedings commenced under federal legislation

which are criminal in nature or which may involve penal consequences. Any individual accused of having committed a criminal offence may apply to have a trial or related proceeding (e.g. judicial interim release) in English or French, or in both languages. Depending on the circumstances, such a request may be made at various points in the proceedings, including before the trial date is set or during a pre-trial conference in the Court.

The Court must be apprised of any such request at the earliest opportunity in order to avoid unnecessary delay.

The Court implemented a new procedure on June 1, 2018 to ensure that all accused have systematically been advised of the rights granted in Part XVII regardless of their name or apparent language preference. This occurs through written notices and signage, as well as oral questions in arraignment courts. The Executive Board approved a brief notice for Justices to read in arraignment court and an information sheet that provides more detail in both languages. The information about the language of trial continues to be required as part of the pre-trial conference report under Form CC7. In the case of represented accused, Form CC2 was amended to include a confirmation that the accused are aware of their rights under Part XVII.

A Bilingual Notice to the Profession and Public - Notice of Language Rights in Criminal Proceedings/Les droits linguistiques dans les instances criminelles was distributed on June 28, 2018 explaining the new procedure.

Signage

*R. v Beaulac*⁵ requires that courts provide institutional bilingualism to all accused persons. Our Court needs to be positioned to ensure that this decision is consistently respected. Accordingly, we have enhanced signage in courthouses across the province to refer to the right of an accused person under s. 530 of the Criminal Code to a right to trial in either official language. The printing of posters is centralized in Edmonton and has been sent to all locations across the province.

The Court clerks were also directed to ensure that there is a copy of the sign on counsel tables, one visible poster for the accused and one placed on the bench in arraignment courts.

Other measures

In 2018, FLISC supported Resolution and Court Administration Services in its efforts to hire two bilingual clerks in Calgary. Currently we have 5 bilingual clerks in Alberta: 2 in Calgary, 2 in Edmonton (one full-time and one on call) and 1 in Peace River. Resolution and Court Administration Services is in the process of recruiting and hopes to hire two more bilingual clerks in the near future.

Interpretation

Court users speak a broad variety of languages. The Court is working with other stakeholders, including the Provincial Court of Alberta and Resolution and Court Administration Services, to ensure the availability of qualified interpreters. Our objective is to provide access to interpretation which is critical not only in the courtroom but also at filing counters and throughout the court processes.

Language Line

Language Line is a service that provides interpretation over the phone in more than 200 languages. The Language Line went live at the Court of Queen's Bench on September 3, 2018 and is now available in QB courtrooms and counters across the province. QB Clerks were trained on the use of the Language Line in August 2018. A Language Line demo for the QB Justices was given on September 14, 2018. The FLISC will reassess whether another demo should be given in 2019.

⁵ [1999] 1 SCR 768

Data Server

The Edmonton data centre is currently housed in the basement of the Law Courts, which expert consultants have determined is fraught with risk. In October 2018, the Executive Board approved considering cloud storage simultaneously with the planning for the migration to Outlook. Work on this project has begun.

Judicial Hardware Refresh

The IMT Steering Committee Co-Chairs in Calgary and Edmonton had the opportunity to review several models of laptops that would most effectively replace the laptops that the judiciary had been issued some time ago. This hardware refresh will allow Justices to move from the paper based to the digital world with the appropriate computing power, touch screen capability and updated software. Docking stations will be installed in all courtrooms and visiting offices in regional locations.

Queen's Bench Scheduling System Expansion

The expansion of Queen's Bench Scheduling System ("QBSS"), an automated scheduling system, to the regional courts and Masters Chambers commenced in March of 2018, with the first launch taking place in Fort McMurray on March 30, 2018. QBSS was then launched in Wetaskiwin on April 11th. Masters Scheduling was incorporated in April and it is now in place in Calgary and Edmonton. It is anticipated that QBSS will be fully rolled out to the regional courts by the end of 2019.

E-Document Delivery and Management

Justice Eidsvik prepared a comprehensive report entitled *Tomorrow's Court of Queen's Bench – How Technology Can Transform It*. The Report reviewed the potential that the implementation of technological solutions could bring to increase the Court's productivity and lead to swifter and better access to justice for Albertans. In this regard, a report on the first-hand review of the implementation of technology in several other common law jurisdictions was undertaken - in particular the successful transition of these courts from paper based to digital worlds. A series of recommendations and priorities were proposed including hardware, software and digital document use and training, many of which have been incorporated into the Court's plans to increase technological solutions to deliver justice. Demonstrations of potential solutions are being arranged and multiple options are currently under review. These solutions include both internal and external options.

Courts IMT Directorate

The Court is working together with the Court of Appeal and the Provincial Court of Alberta to create a tri-court IMT Directorate. This is the beginning of a redesign of the Courts' technology services division which will create opportunities for the three Courts to improve their processes, information management and service delivery. The Courts are currently in the process of recruiting to the Executive Director position.

Strategic Planning Committee

MANDATE

The Strategic Planning Committee ("SPC") is responsible for:

- Annually reviewing the Court's Strategic Plan, Vision and Mission Statements;
- Recommending strategic priorities for the Court to the Executive Board;
- Recommending goals or initiatives to advance the selected strategic priorities to the EB;
- Considering the allocation of available resources in making recommendations regarding goals and initiatives, as well as the need for and availability of any additional resources required;

- Developing a communication plan to ensure that recommendations and supporting information (including SPC meeting minutes) are appropriately and accurately conveyed to the Justices, Masters and Judicial Staff; and
- Providing oversight to the Court’s organizational planning which ensures agility and encourages innovation.

MEMBERSHIP

Chair: Chief Justice Mary Moreau

Vice Chair: Associate Chief Justice John Rooke

Joanne Goss J.

Peter Michalyshyn J.

Blair Nixon J.

Glenda Campbell J.

John Prowse M.

Corinne Jamieson, QC

Darryl Ruether

Heather Manweiller

Keri Stevenson

Diana Lowe, QC

Brent Rosin

KEY INITIATIVES

The Four Pillars

The SPC undertook a robust review of the existing Strategic Plan at the beginning of 2018. The review was to ensure that the Strategic Plan fully reflected the priorities of the new administration.

Much of this work was done during the Court’s first Strategic Planning Retreat, a blue-sky session held over a weekend in March 2018. Presentations included: a demonstration of an electronic case management system; a presentation on diversity and inclusion in the work place; and a facilitated workshop on strategic visioning for the Court. The information received and the discussions at the retreat were critical to the identification of appropriate short, medium and long-term goals. The retreat was also an opportunity to identify key performance indicators in relation to our strategic goals, thereby ensuring accountability.

A similar retreat is scheduled for March 2019 to continue this work.

Internal Governance Amendments

An ad hoc committee of the SPC has proposed amendments to the internal governance processes of the Court. The Executive Board unanimously approved its recommendations in November, 2018. The amendments create an annual cycle and deadlines for proposing and reporting on initiatives from each of the Court’s steering committees. They also provide time lines for review processes, first by the SPC and then by the Executive Board. Finally, the recommendations tie the committee work to the strategic plan in a more deliberate way.

In sum, proposals are reviewed annually in May at the Co-Chair, SPC and Executive Board meeting. The Executive Board then meets in the first week of June to determine which proposals will be approved to move forward to the drafting of a work plan. Work plans are

reviewed by the SPC and the Executive Board at their respective meetings in September. Any proposals that arise during the year will also follow this path, albeit on different dates.

Overlap between the work of the various steering committees was also identified as an issue. This issue will be discussed at the Co-Chairs, SPC and Executive Board meeting in May, 2019.

Infrastructure Projects

Red Deer Justice Centre

The scope of this project includes design and construction of a new Red Deer Justice Centre. The new Red Deer Justice Centre will address a prolonged space shortage in the current courthouse to help meet the region's needs. Since the existing courthouse was built in the 1980s, the city's population has almost doubled and the surrounding area's population has also increased substantially.

The facility will increase the number of courtrooms in central Alberta from seven to twelve and create a Resolution Services wing. This section will provide dispute resolution, civil and family mediation, and other resolution alternatives to court hearings.

We are currently in the design development stage of the project, which began in December 2018. This includes tender documents and specifications. The project is expected to go to tender in the Fall of 2019. It is anticipated that construction of this project will be complete in 2023.

Edmonton Law Courts Renovation

Unfortunately there are no current plans by the Provincial Government in the near term to build a new courthouse in Edmonton despite acute space shortages. However, the courthouse is undergoing significant renovations to address various issues identified in the Courthouse Planning Study completed in 2015.

Calgary Court Centre and the Lethbridge Courthouse Renovations

Due to the increased judicial complement there are renovations being undertaken at the Calgary Court Centre and the Lethbridge Courthouse. Specifically, in Calgary two shelled court rooms are being built out. We have finished the review of schematic design drawings and are waiting for tender documents and specifications.

Renovations in Lethbridge, which include creating additional judicial offices, are at the tender document reviewing stage. The tender is expected to go out mid-March 2019. The anticipated completion is July 2019.