



The Provincial Court of Alberta

Effective Date: April 1, 2018

Court: All Criminal Courts

Practice Direction: 2018-ACC-02

Name: Continuous Trials

Purpose:

Continuations of trials or preliminary inquiries that go over weeks or even months for the purpose of calling further evidence are rarely in the interests of justice, the public, or the participants. Witnesses forget or get frustrated by the delayed process. Accused persons endure stress because of delayed decisions that can affect their lives. Judges and counsel must “re-learn” the case from (often costly) transcripts, recordings, or notes.

In 2013-2014 Continuous Trials Practice Directions were instituted in the Provincial Court in Edmonton and Calgary. Their premise is, as is the case in the Court of Queen’s Bench that proceedings once begun in Provincial Court will continue promptly until concluded. Those Practice Directions proved to be effective in reducing the time it takes to continue and complete matters that do not finish in the time allotted.

The Court hereby institutes the Practice Direction Province wide with necessary modifications to accommodate the fact that many Regional Courts in Alberta do not sit daily.

Application & Effective Date:

The current Continuous Trials Practice Directions for Calgary and Edmonton remain in effect until March 31st, 2018; and,

As of April 1st, 2018, all Criminal Courts in the Province shall be governed by this Direction.

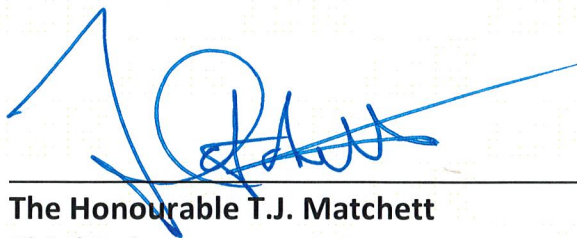
Practice Direction:

1. As of the effective date of this Practice Direction, the Court will endeavour to continue a trial or preliminary inquiry preferably the next day, but in any event within two weeks whenever possible.
2. The Court recognizes that in some cases, and in many regional courts, it will not be possible to continue on the following day without significant disruption to other scheduled proceedings, or because the Court does not sit daily. In addition, a longer continuation date may be necessary

because of unanticipated circumstances: for example, to accommodate the availability of a specific witness or to meet the statutory prerequisites of the *Criminal Code* regarding expert witnesses, or to allow sufficient time for a judge to make a legal ruling. In those cases, the continuation may be delayed for a period of time outside the above noted guideline, but all parties will endeavor to ensure that no adjournment exceeds eight weeks in the absence of truly exceptional circumstances.

3. Although counsel will generally not be expected to adjourn other scheduled trial or preliminary inquiry matters to accommodate a continuation, they are expected to reasonably re-arrange other office or personal matters to do so.
4. If counsel can reasonably foresee that insufficient time has been scheduled for an upcoming matter, counsel should bring this concern to the attention of opposing counsel and the Court and make immediate arrangements to secure the additional time required to complete the matter.
5. If a proceeding has already commenced and counsel only then become aware that a matter cannot be completed in the scheduled time allotted, they should not expect the matter to be further adjourned to the CMO or to a later court docket day for the purpose of setting a continuation date. Rather, well before the end of the last day of the scheduled trial time, counsel should advise the Court that the matter cannot be completed in the allotted time, and that a continuation date will have to be set.
6. All counsel and unrepresented litigants are expected to have their calendars and witness availability information accessible to them in the courtroom to assist in the booking of an early continuation date.
7. Counsel can expect judges to take an active supervisory role in the timing of the continuation. The continuation date will be discussed and agreed upon in open court and on the record, with the seized judge making the final decision on when the matter will next proceed. Once a continuation date has been agreed upon or directed, the matter can then be scheduled in the accordance with the normal practice in place in the jurisdiction (i.e. at the CMO counter or in the courtroom). This may require the clerk to contact the trial scheduler while in the courtroom to ensure the availability of the seized trial judge on the proposed continuation date.

Issued this 1st day of March, 2018 by direction of



The Honourable T.J. Matchett
Chief Judge
The Provincial Court of Alberta