

PRACTICE DIRECTIVE – ENHANCED TRIAL ASSIGNMENT PROCESS

Edmonton Criminal Division

Effective June 14, 2021

Recommencing June 14, 2021, the Edmonton Criminal Division will follow the Enhanced Trial Assignment Process for courtroom assignment. Matters will either be pre-assigned to a designated courtroom or will be on an assignment waiting list to be spoken to via electronic mail to the designated judicial mailbox. All pre-assigned matters will be shown on RCS and the computer assignment boards. **No counsel (Crown or defence) is to physically enter Courtroom 355 at any time, unless given express leave by the assigning Judge by email in advance and then only in strict compliance with the appearance directions.**

Requirements:

1. The email to be used for all check-ins required by this Practice Directive is:

PC.EdmTrialAssignment@albertacourts.ca

This email is received directly by the assigning Judge and must be copied to opposing counsel. It is a representation to the Court. Counsel who are incapable of managing email for this purpose may apply to the Assistant Chief Judge for an alternate check-in process.

2. By 4:00 pm the court sitting day prior to the start date of the matter, the assigned Crown counsel shall send an email check-in confirming the following:
 - a. Crown is ready to proceed assuming all witnesses attend, or
 - b. Advising circumstances have arisen which may result in the matter not proceeding, or
 - c. Counsel have reached an agreement the matter will certainly not proceed.
3. Defence counsel shall reply to the Crown email as soon as possible, confirming the information provided by the Crown, or updating the check-in information if there is additional information which counsel wish to have before the assigning Judge.
4. Assignment of trial courtrooms will be made utilizing criteria approved by the Assistant Chief Judge, which may consider information provided in the check-in emails.
5. Counsel will check the remote database to confirm whether or not their matter has been directly assigned to a courtroom prior to attending the Law Courts. If the matter has been directly assigned the following time frames will be followed:
 - a. Seized matters shall proceed promptly at the time set on the scheduling notice (generally 9:00 am or 1:30 pm).
 - b. For all other matters counsel will appear in person in the assigned courtroom at 9:15 am (or 1:45 pm for afternoon matters) to proceed with the matter or to seek a short, specified adjournment prior to proceeding.
6. If a matter is not directly assigned to a courtroom, counsel must provide a follow up check-in by email no later than 8:45 am the first trial day (1:15 pm for afternoon matters) and monitor their email to respond to inquiries and directions from the Judge.
7. Counsel must check-in as soon as they become aware a matter is not proceeding.
8. Once assigned, counsel must appear in the assigned courtroom within 15 minutes of assignment time to speak to the matter.
9. Refer to FAQ in Appendix A for additional details. This FAQ will be updated as additional questions are received.

Dated at Edmonton, Alberta
June 10, 2021



Raymond Bodnarek
Assistant Chief Judge
Edmonton Criminal Division

PRACTICE NOTE – ENHANCED TRIAL ASSIGNMENT PROCESS

APPENDIX A – Enhanced Trial Assignment Process - FAQ

How does counsel know if the matter is pre-assigned or on the assignment wait list?

Decisions regarding pre-assignment of courtrooms will be made up to two business days in advance of the scheduled hearing start. The status of all pre-assigned matters will be available to counsel in the following locations:

- RCS (Remote Courtroom Scheduling) site: If the assigned courtroom is 355, the matter remains on the assignment wait list. If any other courtroom is designated, the matter has been pre-assigned to that courtroom.
- Courtroom Assignment electronic panels at each Law Courts entry point: These screens display the updated RCS information.
- An Enhanced Trial Assignment electronic panel is located across from the entry to courtroom 355. This panel displays RCS information. **This panel is updated on a live basis and will also display the changed status of wait list matters as assigned to a courtroom.**
- Inquiry by email (copied to opposing counsel) to the assigning Judge.
- **Under no circumstances may counsel enter courtroom 355 and ask the Clerk about the status of the matter.**

How does counsel know where a seized matter will be heard?

Seized matters are always pre-assigned to the court in which the seized Judge is assigned. This will be entered into RCS and will be posted on the Courtroom Assignment electronic panels at each Law Courts entry point. This information will be available the day prior to the scheduled seized date. The seized matter will only appear in 355, if the Judge seized is the assigning Judge for that day. In that case counsel on the seized matter may contact the assigning Judge, using the designated check-in email, to receive directions regarding the time set for the seized matter.

Does the Enhanced Trial Assignment Process What are counsel expectations for a matter pre-assigned to a courtroom?

- Assigned courtrooms will open at 9:15 am. **Counsel must check in with the presiding Judge at 9:15 am** to advise of the anticipated hearing schedule for the day, including delays required to speak to witnesses or opposing counsel.
- In general, wait time for witnesses to respond to a subpoena will be limited to one hour, subject to leave of the presiding Judge to permit additional wait time in the specific circumstances.
- Counsel must adhere to the schedule provided to the presiding Judge; leave must be sought for any changes to the approved schedule by appearing at the designated time for recommencing proceedings and seeking a longer adjournment.

What are counsel expectations for a matter on the assignment wait list?

- Counsel are **not to appear in person in courtroom 355 unless specifically directed by the assigning Judge to enter the courtroom, and then only on the terms directed.**
- Crown counsel must check in regarding the anticipated status of the scheduled matter by 4:00 pm the business day prior to the day of trial and defence counsel must respond as soon as possible. Both counsel should provide updates the morning of to keep the assigning Judge apprised of contingencies such as the appearance of the accused and witnesses, or settlement discussions. Counsel should regularly consult their email accounts to view and respond to emails from the assigning Judge while on the assignment wait list.
- Check in will be done by email directly to the assignment Judge at:
PC.EdmTrialAssignment@albertacourts.ca
- Emails sent to this address are direct submissions to the Judge and should be written recognizing the nature of the communication:
 - Opposing counsel must always be copied on the email
 - Information shared in the email must be appropriate communication to a Judge, mindful of the Code of Professional Conduct
 - Submissions made by email may form part of the court record as the assigning Judge may read the email into the court record
- The assigning Judge will make inquiries and give direction to counsel by using the “Reply all” function to the email.
- It is understood that the status of a matter will evolve the day of hearing. Where possible, the assigning Judge will give time to parties to pursue newly emerging options. However the object of the enhanced trial assignment process is to ensure all matters are either fed to a courtroom or spoken to by 10:00 am each morning.

How are matters assigned where a Crown is assigned more than one trial matter (bundled matters)?

- If bundled matters are not pre-assigned, counsel must follow the check-in process described above.
- When either of the bundled matters are ready to proceed, the entire bundle will be sent to the assigned court. If one of the matters is not proceeding or is resolving, counsel on that matter may ask the assigning Judge to have the matter heard in 355 while the other matter is still in wait status.

What if counsel has special requirements for proceeding with a matter like a screen, interpreter, video link or WebEx link?

- The current requirements remain in place. All special requirements must be pre-booked.
- Assignment to courtrooms equipped with video links or WebEx requires judicial leave, obtained 30 days in advance.

- If counsel did not make necessary arrangements in advance, accommodation of any special requirements will be subject to availability.

What are the options if a matter on the assignment wait list is not proceeding?

Counsel will receive specific direction regarding their matter by email in every case. In general, the following options are available.

- Where a matter is being **stayed, withdrawn or adjourned by consent** (and witnesses already canceled) the assigning Judge will schedule the appearance in 355 by email and indicate whether both counsel are required to attend. Counsel and the accused will be permitted to attend the docket court in person and the matter will be spoken to on an expedited basis once received by the docket courtroom. Counsel have the option to appear by WebEx.
- If a **contested application** is being made (for an adjournment or other reasons), advise of the nature of the application in your email submissions. The matter will be assigned to one of the available trial courtrooms as soon as possible.
- If the matter is being resolved by **guilty plea**, the matter will be scheduled to be heard in 355 at a designated time and counsel and the accused will be given leave to enter the courtroom at that time. The matter may be assigned to one of the available trial courtrooms if counsel agree.

What should I do if I do not have access to email at the courthouse?

- Counsel may apply to the Assistant Chief Judge or his designate for leave to make an alternate appearance under the Enhanced Trial Assignment process. **This application must be made in advance of the week in which a matter is scheduled.** If approved, the alternate appearance process will vary depending on the personal circumstances of each counsel who applies and shall be communicated to the assigning Judge by the Assistant Chief Judge.
- The request should be emailed to PC.EdmTrialAssignment@albertacourts.ca by the counsel seeking leave, or by an agent on behalf of the applicant. In extraordinary circumstances counsel may fax the request to the attention of ACJ Bodnarek.

Where should counsel wait during the assignment process?

- Counsel are expected to strictly comply with COVID-19 precautions in the courthouse and in the courtroom. Counsel may utilize ante rooms throughout the courthouse while waiting, provided COVID-19 precautions are met and the ante room is not required for an adjacent courtroom which is in session. A list of additional ante room areas being opened for counsel meetings will be provided. Ante rooms will not be cleaned throughout the day. Counsel will be expected to take measures to manage surface transfer within the ante rooms.
- The following courtrooms have ante rooms available: 272 (2 rooms), 358 (1 room), 359 (2 rooms), 445 (1 room), 447 (1 room), 448 (1 room), 449 (1 room)

Is there a back-up plan if the email network fails?

- Yes. The Court is mindful of the recent failure of the Rogers email network and has contingency plans prepared and under design to deal with future scenarios affecting email communication. In the event a contingency plan is activated the check-in process will respect COVID-19 precautions. If activated, the plan will be posted at the Law Courts entry security points and outside courtroom 355.

What should counsel do if his/her device malfunctions and email access is unexpectedly lost during consultations?

- In this case counsel are asked to contact opposing counsel by phone and channel submissions through the functioning email of opposing counsel. The email strand will continue to be copied to both counsel, so once service resumes counsel will have a record of the submissions to the assigning Judge.

Email is sometimes delayed when I send documents to the docket courts. Will I experience the same email delays?

- We are aware there are delays with email to the proxy email addresses in docket courtrooms. We have investigated the delays. Email to the docket courtrooms goes through a routing process, which may cause the delays. Large document attachments to emails may also contribute to the delay.
- Email sent to PC.EdmTrialAssignment@albertacourts.ca will not be routed – it will be received directly by the Alberta Courts email service. We do not expect any delays.