



THE PROVINCIAL COURT OF ALBERTA BIENNIAL REPORT

APRIL 1, 2017 – MARCH 31, 2019

Note to Readers:

Copies of the biennial report are available on the Provincial Court website

<https://albertaCourts.ca>

The Provincial Court of Alberta
Office of the Chief Judge
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March 2020

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MESSAGE FROM THE CHIEF JUDGE



It is my pleasure to present the 2017- 2019 Provincial Court of Alberta Biennial Report which covers the activity of the Court for the two-year period from April 1, 2017 to March 31, 2019.

The Alberta Provincial Court has broad jurisdiction over criminal, family and youth, civil and Provincial offence matters. Our Judges and Justices of the Peace preside in 72 locations across the Province and handle the vast majority of litigation in Alberta. Over the past five years, our Court has experienced a dramatic increase in case volumes and complexity. We have worked hard to manage those increases, enhance the Court's capacity to lead Court system reform, and deal with the complexities inherent in any effective Court system.

In 2017, the Court and the Department of Justice collaborated in the preparation of a Judicial Complement Report to determine the level of judicial resources necessary to respond to dramatic increases in case volumes. That joint Report concluded that 11 additional judicial positions were needed.

The Attorney General acknowledged that increasing the number of judges was essential to manage the Court's growing criminal, family/youth, and civil divisions' workloads, and to avoid further stays of proceedings in the serious and violent at-risk Jordan cases. A commitment was given to increase the judicial complement over three years, with four new Judges in 2018-2019 (this was done), four new judges in 2019-2020 (not yet appointed) and three new judges in 2020-2021 (not yet appointed). In spite of this, our Court has taken many steps to try and maintain service for Albertans.

The strategic vision for our Court has been to build a modern, independent, accountable Court that provides fair, accessible, efficient, and innovative justice for all Albertans. This Report

outlines the Strategic Plan created to achieve that vision, and reviews the significant progress made towards achieving that Plan.

The Court is proud of our efforts to improve justice outcomes for all Albertans. The establishment of an Indigenous Court in Calgary and a Mental Health Court in Edmonton will enable the justice system to understand and address the underlying factors that bring people into the criminal justice system, in much the same way our existing Drug Treatment Courts do.

The Court has also prioritized judicial accountability. Under the *Provincial Court Act*, complaints against Judges can, when merited, lead to a variety of disciplinary measures. In order to maintain confidence in the judiciary, such accountability must be transparent. This Report therefore includes information about complaints concerning Judges and Justices of the Peace that were investigated and assessed during the reporting period, and sets out the results for each.

I will soon complete my seven-year term as the Chief Judge of the Provincial Court of Alberta. It has been an honor for me to work with the Judges and Justices of the Peace on this Court who serve the public with such diligence and dedication. I acknowledge as well the hard working and committed Judicial and Court staff who so capably support the Court.

Finally, and along with Deputy Chief Judge Lillian McLellan, and the nine Assistant Chief Judges serving our Court, I thank all of those who share responsibility for delivering Justice in Alberta.

THE PROVINCIAL COURT OF ALBERTA

VALUES AND VISION

The Court has served Albertans for more than a century and has grown to meet the continuously evolving needs of Alberta's diverse society. During this time, the Court has maintained the confidence of Albertans and has a reputation for providing accessible and timely justice to all.

The Court serves the public by providing access to a fair, efficient and innovative system of justice. We provide an impartial and independent forum that:

- Is accessible to all Albertans regardless of their location or means;
- Maintains respect for the rule of law and confidence in the administration of justice; and
- Reflects cultural diversity and the core values of fairness, accountability, integrity and excellence.

GOVERNANCE OF THE COURT

The Chief Judge is responsible for the administration and governance of the Court. In order to carry out these responsibilities, the Chief Judge works with a governance structure that consists of the Chief and Council, five standing Committees, and *ad hoc* committees as required. The Chief and Council is made up of the Chief Judge, the Deputy Chief Judge, and nine Assistant Chief Judges. The standing Committees, which are made up of Judges and judicial staff, are:

- Education
- Criminal Caseflow Management
- Indigenous Justice
- Family Law
- Technology

Please see Appendix 1 for information regarding each Committee



COURT ADMINISTRATION

CHIEF JUDGE

The Chief Judge is appointed for a seven-year term. Under section 9 of the *Provincial Court Act*, the Chief Judge has the power and duty to supervise the Judges in the performance of their duties, including the power and duty to:

- designate a particular case or other matter or class of cases or matters in respect of which a particular Judge is to act;
- designate which Court facilities shall be used by particular Judges;
- assign duties to Judges; and
- exercise any other powers and perform any other duties prescribed by the Lieutenant Governor in Council.

The Chief Judge also oversees the administration of Court operations and serves as the Chair of the Alberta Judicial Council.

DEPUTY CHIEF JUDGE, COORDINATOR, JUSTICE OF THE PEACE PROGRAM

The Deputy Chief Judge holds that office for a term not exceeding seven years. The Deputy Chief Judge assists the Chief Judge in the administration of Court operations, chairs committees including the Judicial Education Committee, and oversees the Justices of the Peace throughout the Province.

ASSISTANT CHIEF JUDGES

Assistant Chief Judges are appointed for a term of five years. The Assistant Chief Judges perform functions that are delegated to them by the Chief Judge including chairing various Court committees, scheduling of Court sittings, and liaising with stakeholders on issues impacting the Court.

ADMINISTRATIVE OFFICERS AND ORGANIZATION

The Court has approximately 50 employees located in several regions of the Province. The following key administrative positions are located in the Office of the Chief Judge at the Edmonton Law Courts.

Executive Director: Reporting to the Chief Judge, this position is accountable for the executive management and business advisory services of the Court. This position is also responsible for overseeing all strategic, business planning and reporting, administrative and financial operations of the Court.

Executive Legal Counsel: Two positions provide high level legal advice and support in relation to assessment of judicial conduct, complex legal matters and senior level policy research and development.

Executive Officer: This position plays a key role in planning, developing and interpreting policies and procedures on a wide range of matters relating to administrative and operational issues.

Financial Manager: This position works with the Finance and Planning Division of the Ministry of Justice and Solicitor General to ensure the financial needs of the Court are met. The position provides collaborative support and assistance to the Executive Director with respect to all financial activities of the Court, including judicial and non-judicial salary administration and reporting for the Court.

Judicial Education Manager: This position supports the Deputy Chief Judge as Chair of the Judicial Education Committee, which develops, plans and promotes judicial education for all Judges and Justices of the Peace. The work involves working collaboratively with the Alberta Association of Provincial Court Judges to plan and implement orientation and continuing education programs to meet the educational needs of the Court.

Business & Information Management Advisor: This position plays a leading role in supporting the information management needs of the Court, and advocating for systems that will provide

effective and productive business support. This role also provides advice and recommendations respecting the interests of the Court in such matters as e-Courts, Court scheduling, judicial information security policy, business intelligence, and web/social media development. This position supports the Technology Committee of the Court and serves as a conduit between the Court and Information Management and Technology (IMT) services and projects.

JUDICIAL INDEPENDENCE AND JUDICIAL ACCOUNTABILITY

Judicial independence exists for the benefit of all citizens so that they understand that legal disputes will be decided openly, impartially, and according to law. It guarantees that Judges and Justices of the Peace are free to decide cases impartially, and without fear of interference, control, or improper influence from anyone. To ensure that Judges remain independent, three important safeguards are required. They are security of tenure; financial security; and administrative/adjudicative independence.

Judicial independence does not, however, mean that there are no checks and balances within the Court. Decisions of the Court are subject to review by the superior Courts in the Province. Moreover, there is a significant onus placed on each member of the judiciary to continue to advance their knowledge. Judges must continually strive to stay educated in the law and connected to their communities within which they serve, to ensure public confidence in the judicial system.

While it is the role of the appellate Courts to correct legal errors, there is also a robust system of self-regulation within the Court. This system, established by the *Provincial Court Act* and the *Judicature Act*, is in place to ensure that accountability within the judiciary is maintained and that justice is not only done, but is seen to be done.

Complaints about the conduct or competence of a Judge or Justice of the Peace may be directed to the Chief Judge or to the Alberta Judicial Council. Each has authority to review and inquire into complaints. Upon review, they can take any action considered necessary including referral of the complaint to a judicial inquiry, reprimand, corrective measures, or no action at all. All complainants receive a written response advising them of the outcome of their complaint, as well as the reasons for same.

In some instances, the Court receives letters from individuals who are unhappy with a Judge's ruling in their matter, or they are expressing frustration either with the Court processes as a

whole or with other players in the legal system. These types of matters are not within the statutory authority of a judicial conduct review. In those instances, individuals still receive a response advising them of this, and are provided with information and possible resources that may assist them. The Court received 16 such letters in 2017, and 13 in 2018.

See Appendix 2 for a summary of the complaints received regarding judicial conduct, as well as their outcomes.

OVERVIEW OF THE COURT



OUR PEOPLE

JUDICIAL COMPLEMENT

The Court saw an increase of four judicial positions in 2018, to bring its total complement to 136. The new positions provided additional resources in Central Region, Northern Region, Edmonton Criminal Division and Edmonton Civil Division. As of March 31, 2019, there were 121 full-time and 24 part-time positions. In addition, over 20 supernumerary Judges (retired Judges who still sit on occasion) are available to sit in any Court location in Alberta when required. The Court sits in 72 locations across Alberta; permanently in 21 locations, and on certain days in 51 circuit-point locations.

Judicial Appointments for the period April 1, 2017 – March 31, 2019

May 9th, 2017:

Fatima Airth - Calgary Family & Youth

Joshua Hawkes, Q.C. - Calgary Criminal

Margaret Keelaghan, Q.C. - Calgary Criminal and Calgary Regional

December 5, 2017:

Robert Shaigec - Edmonton Region

Dave Hancock, Q.C. - Edmonton Family and Youth
Marian De Souza, Q.C. - Calgary Regional

December 13, 2017:

Karen Crowshoe - Calgary Criminal

July 9, 2018:

Randall Brandt - Edmonton Criminal
Andrea Chrenek - Northern Region
Sandra Corbett Q.C. - Edmonton Civil
Karen Hewitt Q.C. - Central Region
Robert Marceau - Northern Region

November 6, 2018:

Michelle Christopher, Q.C. - Southern Region
Cheryl Arcand-Kootenay - Edmonton Region
Melanie Hayes-Richards - Edmonton Criminal

February 19, 2019

Kristen Ailsby - Southern Region
Gay Benns - Calgary Family & Youth
Susan Pepper - Calgary Criminal
Greg Rice - Edmonton Region
Greg Stirling, Q.C. - Calgary Criminal and Calgary Regional
Rhonda Tibbitt - Edmonton Criminal

PROVINCIAL COURT JUDGES

Judges are appointed by the Government of Alberta pursuant to the *Provincial Court Act*. An applicant for appointment to the Court must be approved by both the Alberta Judicial Council and the Provincial Court Nominating Committee. The names of approved candidates are put to the Minister of Justice, who then makes a recommendation to Cabinet. If Cabinet agrees, an Order in Council is issued by the Lieutenant Governor appointing the new Judge.

The Court is a Court of statutory jurisdiction, which means that its Judges may exercise authority in areas that have been statutorily defined. While all Judges may hear cases in all areas of the law, the Court does function by division, by both subject matter and geography.

JUSTICES OF THE PEACE

The Court has a complement of 12 full-time and 36 part-time Justices of the Peace.

Justices of the Peace follow a similar appointment process to Judges, but the Provincial Court Nominating Committee is not involved.

Justices of the Peace have their authority defined by various pieces of legislation, both Provincial and Federal. They are authorized to perform a wide range of duties including processing search warrants, arrest warrants, and informations; conducting bail hearings, emergency child and family protection applications, and family protection hearings. They also have jurisdiction to conduct Traffic Court matters, Provincial offences hearings and municipal bylaw matters.

Alberta has two specialized Hearing Offices: one in Calgary, which deals with matters in the southern part of the Province; and one in Edmonton, which deals with matters in the northern part of the Province. Each office has a minimum of five Justices of the Peace on shift daily to hear applications.

OUR WORK

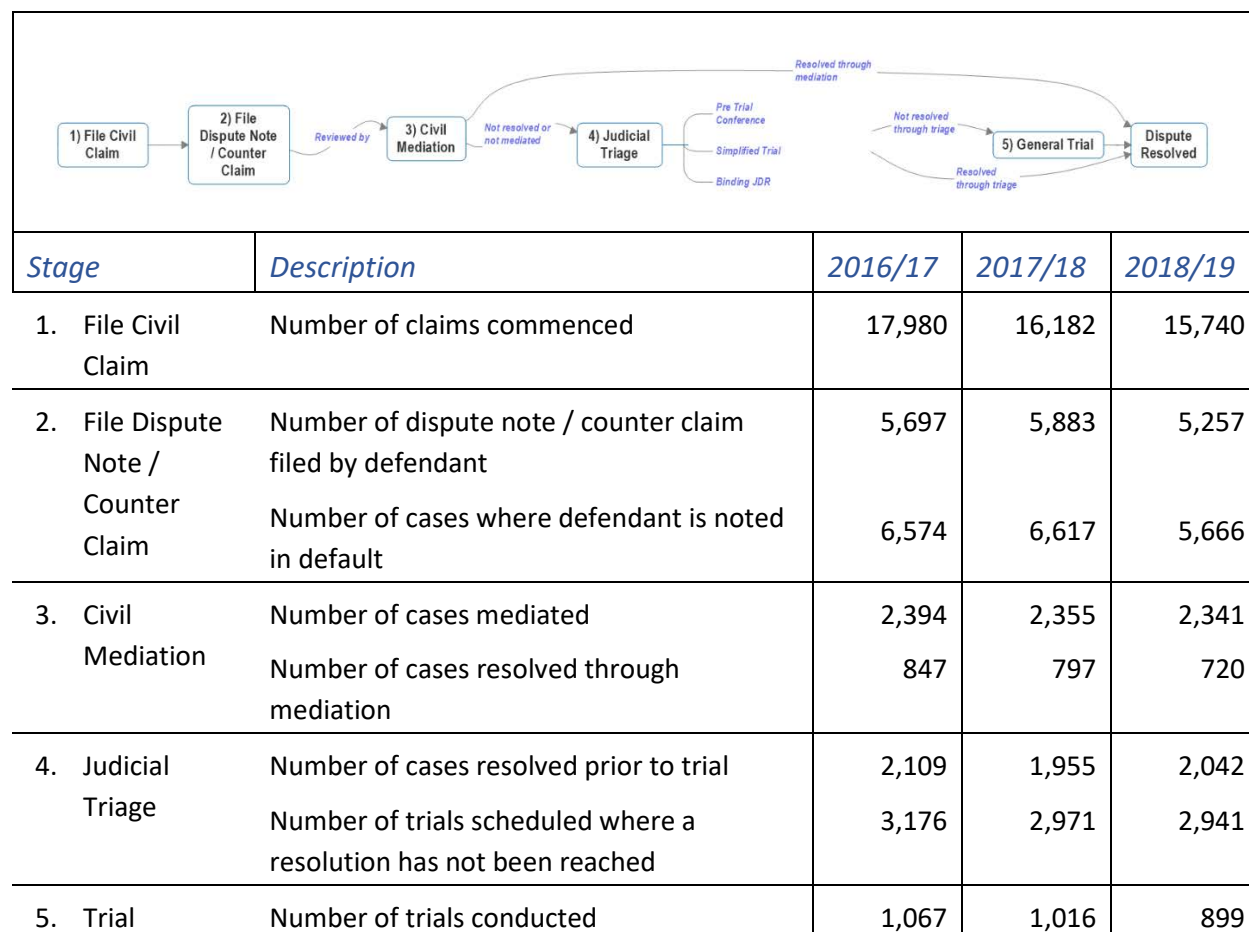
CIVIL DIVISION

The Civil Division has jurisdiction over certain civil disputes as specified in the *Provincial Court Act*. These disputes include, for example, claims for debt and damages, often arising out of contract or negligence or both. Typical matters heard by the Judges of the Civil Division would be for unpaid loans, faulty workmanship, motor vehicle accidents, wrongful dismissal, and commercial and residential tenancy matters. Since the fiscal year 2016-2017, an average of 17,000 claims per year are filed with the Court.

The *Provincial Court Act* has recently been amended so as to effect certain changes to the procedures for dealing with civil claims. These changes have resulted in enhanced access to justice in a Civil Division that is designed to deal with civil disputes as expeditiously and inexpensively as possible. Parties that are both self-represented or represented by counsel or agents benefit from the specialized knowledge of the Judges in the Civil Division and from the newly streamlined process in place to resolve civil disputes. Those new processes include simplified trials and binding Judicial Dispute Resolution.

The financial jurisdiction of the Court for civil matters is \$50,000, which, adjusted for inflation, is double the amount it was five years ago. This increased monetary jurisdiction has resulted in both an increase in the volume of work as well as in the complexity of matters that are brought before the Court. The Civil Division has seen the number of claims filed increase by 19% over the last five years.

CIVIL CASE FLOW STATISTICS



CRIMINAL DIVISION

The Court's criminal jurisdiction includes not only offences set out in Canada's *Criminal Code*, but also criminal offences created by other Federal legislation such as the *Controlled Drugs and Substances Act (CDSA)*, the *Income Tax Act*, and regulatory offences set out in Provincial legislation such as the *Fisheries Act* and *Firearms Act*. Criminal charges laid under the *Criminal Code* and *CDSA* comprise the bulk of the criminal law work the Court handles.

All criminal charges laid under any Federal legislation begin in the Provincial Court and more than 97% of them are completed there.

SUMMARY CONVICTION AND INDICTABLE OFFENCES

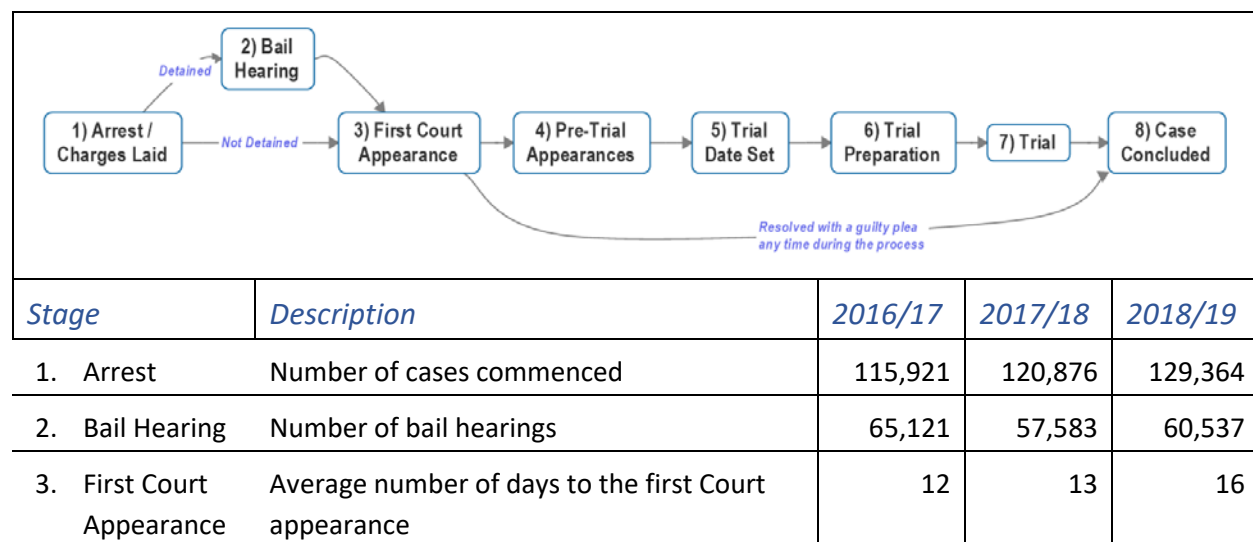
Criminal offences fall into one of two categories: offences that are prosecuted by way of summary conviction proceedings and offences that are prosecuted by way of indictment (signifying a more serious charge).

The Court has jurisdiction to try all summary conviction offences, and, with the exception of a relatively small number of very serious offences, has equal jurisdiction with the Court of Queen's Bench to try all indictable offences.

Over the last five years the number of criminal charges started and the number of those cases completed in the Court have both substantially increased. In 2018/2019, 129,364 criminal cases were commenced, an increase over the past five years of 34%.

In addition to criminal trials and sentencing proceedings, Judges also conduct bail hearings for arrested and detained accused and consider applications for search warrants, general warrants, DNA warrants, one party consent wiretap orders, production orders, assistance orders, prisoner transfer orders, and applications for private prosecutions.

CRIMINAL CASE FLOW STATISTICS



4. Pre-Trial Appearances	Average number of appearances prior to setting a trial date	4.7	4.8	5.1
	Number of cases resolved prior to setting a trial date	82,540	86,191	87,373
	Percentage of cases resolved prior to setting a trial date	72.9%	74.2%	73.8%
	Average number of days for cases resolved prior to setting a trial date	165	157	126
5. Trial Date Set	Number of trials scheduled	30,719	39,950	31,644
	Average number days to the setting of the trial date	152	148	153
6. Trial Preparation	Number of cases resolved after trial date set and prior to the trial	26,227	25,937	27,692
	Percentage of cases resolved after trial date set and prior to trial	85.4%	86.6%	87.5%
7. Trial	Number of trials heard	5,446	5,105	4,985
	Percentage of cases commenced where a trial is conducted	4.8%	4.4%	4.2%
	Average number of days to trial date.	374	404	434
	Average number of appearances for cases where a trial is held	6.8	6.8	7.0
8. Case Concluded	Number of cases concluded	113,259	116,141	118,347
	Change in the total inventory in the Court system	+ 2,662	+ 4,735	+ 11,017
	Clearance rate – Cases concluded as a percentage of cases commenced	97.7%	96.1%	91.5%

Fatality Inquiries

A fatality inquiry may be ordered by the Minister of Justice and Solicitor General to clarify the circumstances surrounding the death of an individual. The inquiry proceeds before a Judge whose jurisdiction is derived from the *Fatality Inquiries Act*. Following the inquiry, the Judge issues a report that may make recommendations as to how to prevent similar deaths. An inquiry does not make a finding of legal responsibility. A list of fatality inquiry reports can be found on the Alberta Government website.

FAMILY & YOUTH DIVISION

FAMILY JUSTICE MATTERS

There are three aspects to Court's Family and Youth Division:

Child protection proceedings

The Division has exclusive jurisdiction over all child protection proceedings in which the Judge must decide whether the quality of parenting falls below legislated community standards, and, where it has, whether the child ought to be placed into care. The Judges also have exclusive jurisdiction to determine applications for child apprehension orders in situations of sexual exploitation or where a child is at risk as a result of drug abuse. As any delay in child protection and child-custody proceedings is detrimental to the children affected, the need for urgency characterizes all such matters.

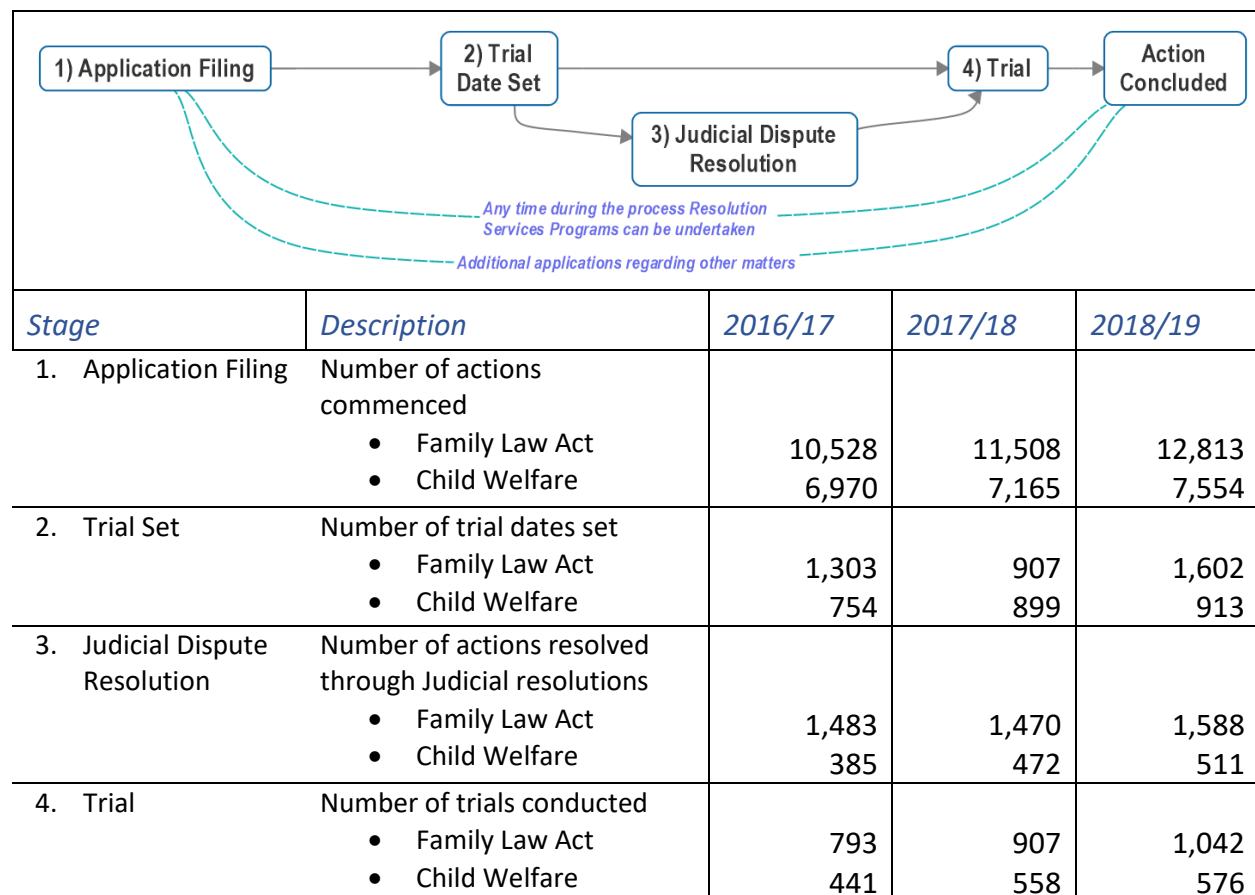
Private family disputes

The Court has jurisdiction over private family matters under the *Family Law Act*. The Division entertains applications for Court orders for both child and spousal support, parenting arrangements and private guardianship. The Judges have no jurisdiction regarding divorce or property rights claims arising from a breakdown of a marriage relationship and those matters are heard by the Court of Queen's Bench.

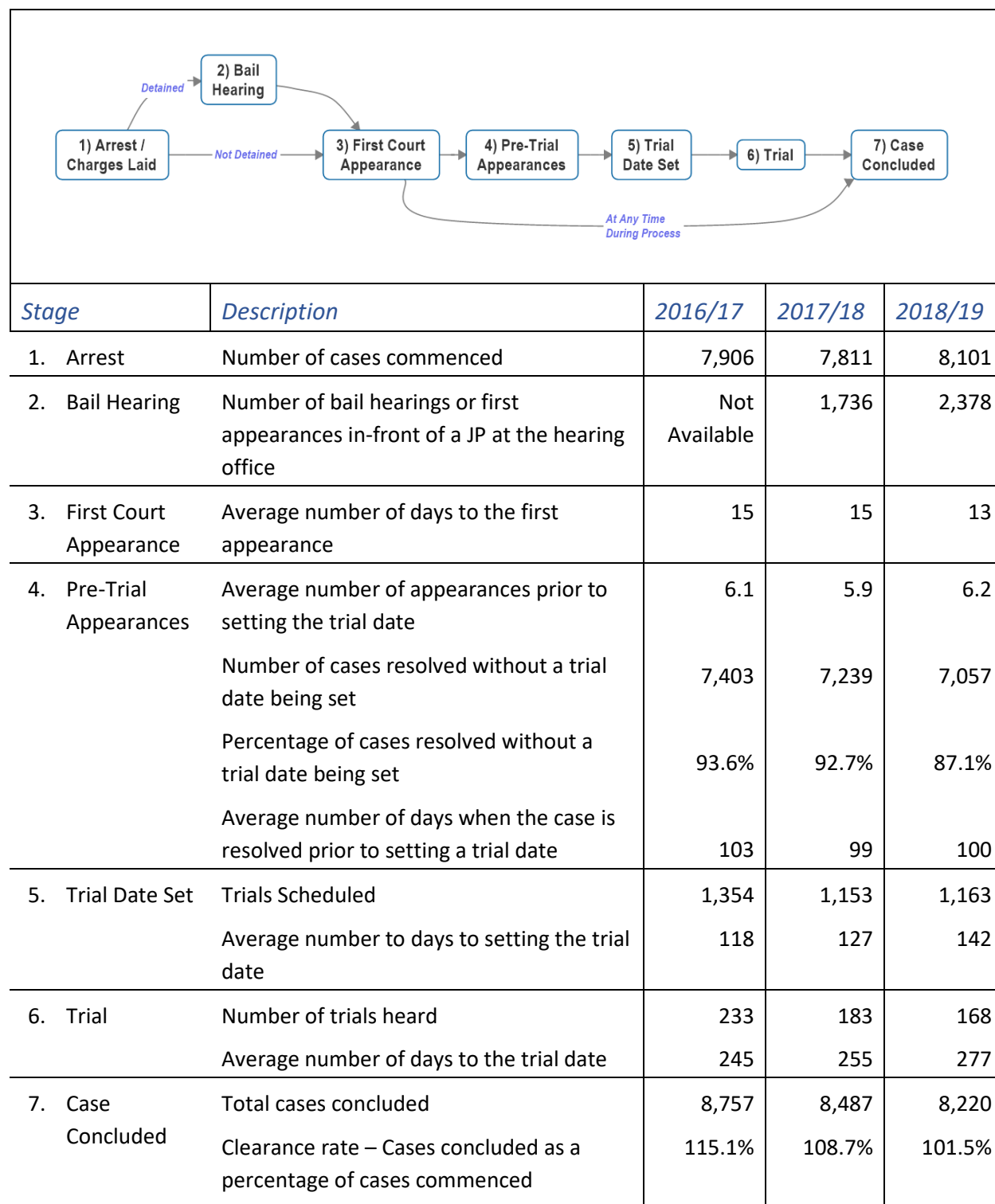
Youth Justice Matters

The *Youth Criminal Justice Act (YCJA)* applies to all youth between the ages of 12 and 18. By its provisions, and except for several very serious criminal offences, Judges of the Court are the designated Youth Court Judges who hear those trials. Youth Court criminal trials follow the same general procedures as adult Court except for sentencing. The *YCJA* provides for sentencing premised on the principle of “fair and proportional accountability”. That principle requires any sentence imposed upon a young person to be the least restrictive one capable of achieving the twin objectives of accountability and rehabilitation.

FAMILY CASE FLOW STATISTICS



YOUTH CASE FLOW STATISTICS

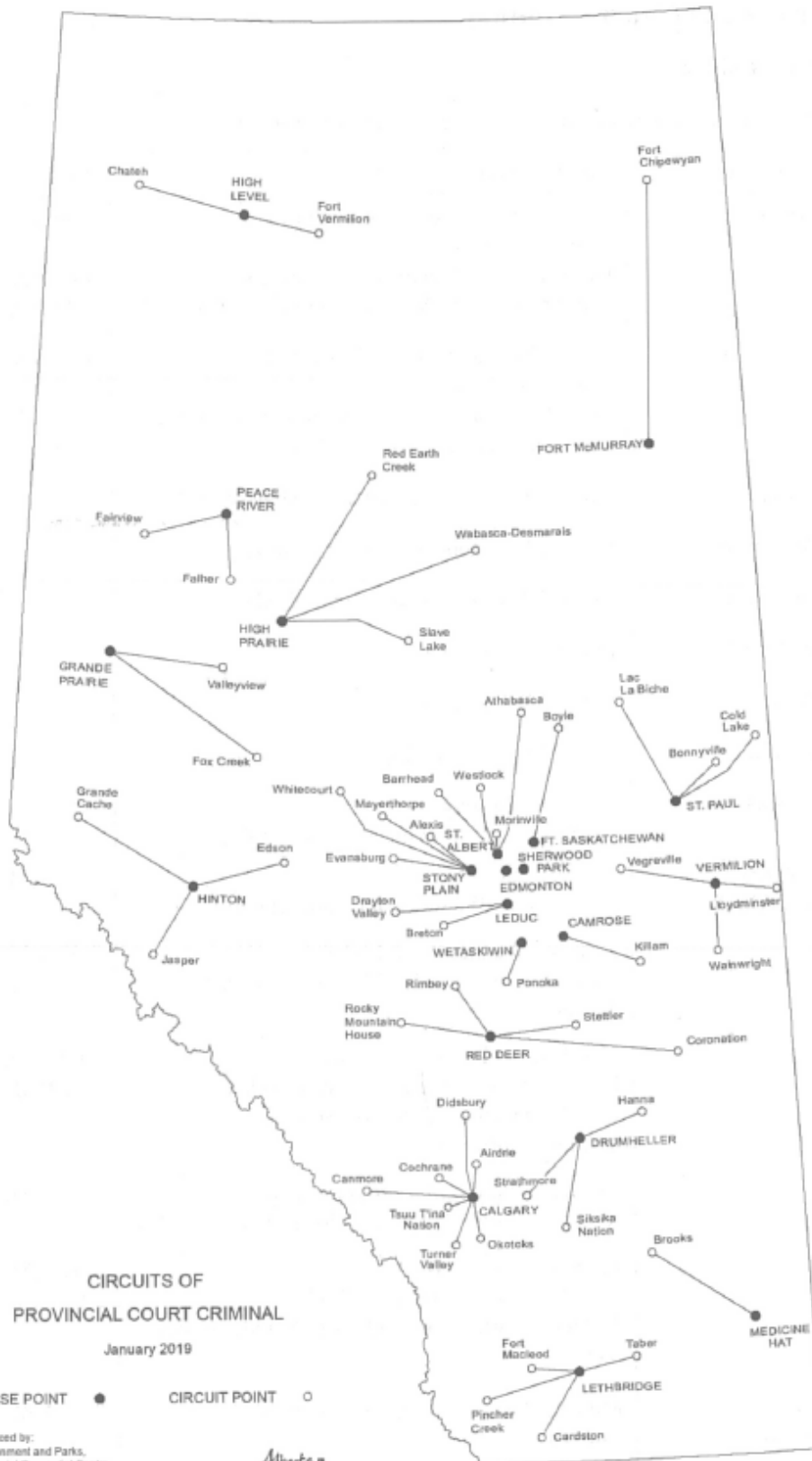


REGIONAL COURTS

The Court sits in 72 locations throughout the Province. Outside of Edmonton and Calgary, the Court is divided geographically into regions. The various regions, which contain the Court's base and circuit points are shown in the attached map.

- Northern Region (Grande Prairie/High Prairie)
- Southern Region (Lethbridge)
- Calgary Regional
- Edmonton Region

Judges assigned to sit in the Regions travel to various circuit points. Regional Judges regularly hear matters in all areas of the Court's jurisdiction (i.e. civil, family, youth criminal, and adult criminal).

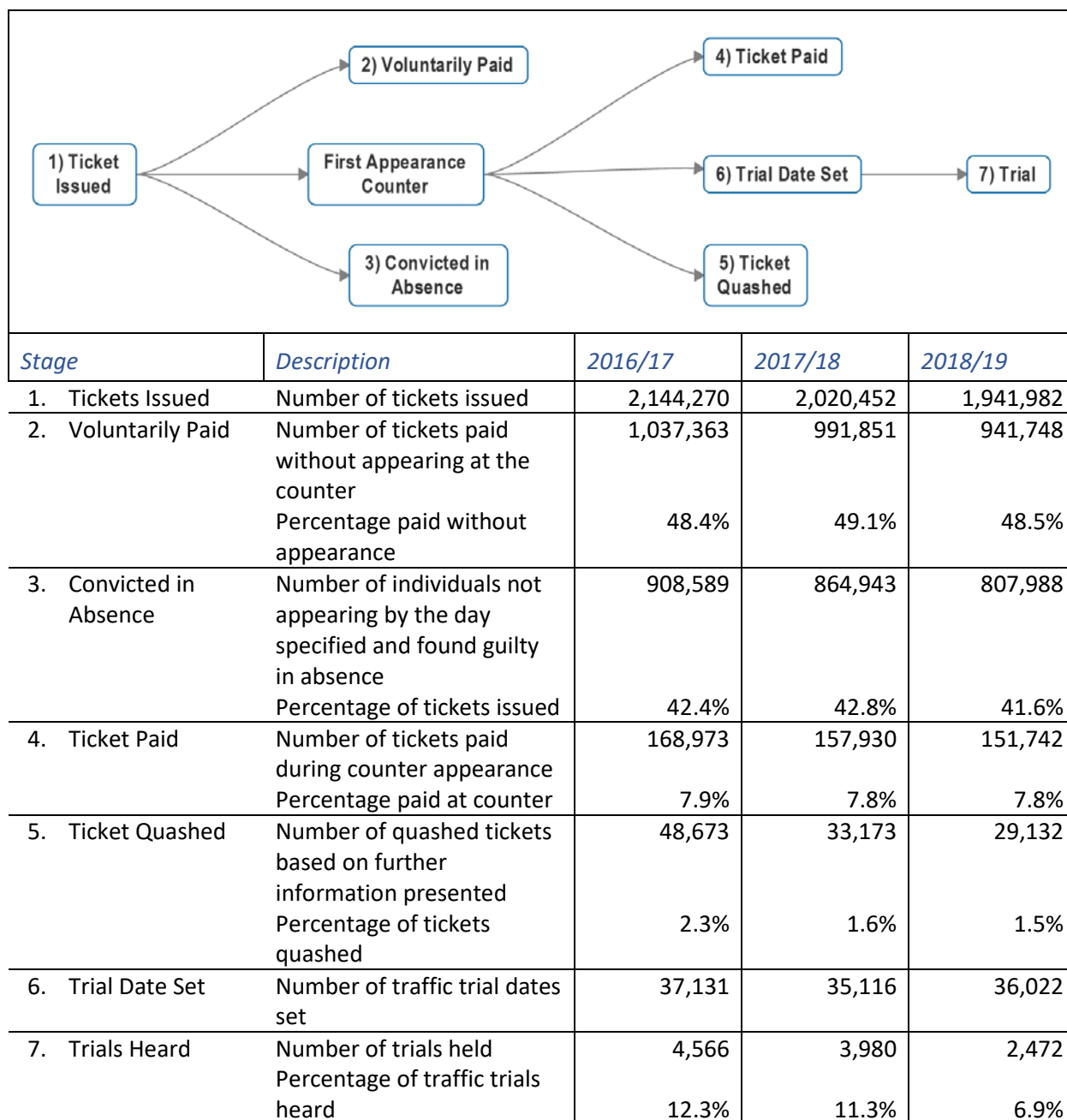


TRAFFIC COURT

Traffic Court deals with offences under many Provincial statutes and regulations, municipal bylaws and a few specified Federal statutes. Trials in Traffic Court, whether involving an adult or a youth, are usually heard by a Justice of the Peace, although Judges can also hear these matters. Certain Traffic Court matters can only be heard by a Judge, including:

- any proceeding that involves the death of an individual;
- any proceeding that involves the determination of whether any Charter rights have been infringed or denied;
- any issue relating to the constitutional validity of any law; or
- any proceeding that involves a determination of any aboriginal or treaty rights.

TRAFFIC CASE FLOW STATISTICS



STRATEGIC PLANNING ACCOMPLISHMENTS

No fully engaged Court can hope to achieve its key institutional goals without a common understanding of its priorities and objectives, a plan as to how those objectives will be achieved, and a set of performance measures to gauge success. For 2015-2018 and again for 2018-2021, the Court undertook an extensive strategic planning initiative, producing the first comprehensive Strategic Plan for the Provincial Court of Alberta. The Court identified the following as the key strategic areas:

- A Progressive, Independent, Accountable and Responsive Court
- Access to Justice, Judicial Management and Judicial Services
- Technology and Infrastructure
- Judicial Education
- Specialized Needs
- Public Respect and Awareness

Based on these priorities, the Court identified a series of objectives and action items. Many of the objectives undertaken address more than one strategic priority.

Some of the most notable work by the Court in this regard follows.

STRATEGIC PRIORITY 1:

A PROGRESSIVE, INDEPENDENT, ACCOUNTABLE AND RESPONSIVE COURT

MEMORANDUM OF UNDERSTANDING

In 2016, the Chief Judge of the Court entered into an historic Memorandum of Understanding (MOU) with the Attorney General of Alberta. The intention of the MOU was to enshrine the

Court's administrative independence by clarifying the roles and relationships between the Government and the Court and by outlining the roles and responsibilities for each.

The MOU recognized the judiciary as an independent branch of government. It confirmed the commitment of both the Government and the Court to the importance of the principle of judicial independence in maintaining public confidence in the rule of law.

The purpose of the MOU is to endorse and recognize the importance of a continuing, collaborative and respectful relationship between the Court and the Attorney General, and to promote clarity, consistency, and accountability in the administration of the Court. The MOU sets out the principles that guide the relationship between the Court and the Department of Justice and Solicitor General. It identifies the respective roles and responsibilities of the Attorney General and the Chief Judge, and clarifies areas of operational and administrative relationships between the Department and the Office of the Chief Judge.

The MOU has contributed significantly to the productive and respectful relationship which currently exists between the Court and the Department of Justice and Solicitor General.

JUDICIAL COMPLEMENT REPORT

The Court established a Joint Committee with Alberta Justice and Solicitor General to develop evidence-based criteria to determine the judicial complement required to respond to Alberta's rapidly growing population and increasing caseloads.

In September 2017, the *First Biennial Report on Complement* recommended that the Government increase the judicial complement of 132 Judges by 11 new positions, to 143 positions. Effective July 9, 2018, the Government created four new judicial positions, bringing the Court's complement to 136 judicial positions. At that same time, the Government committed to add seven additional judicial positions to the complement by 2020.

STRATEGIC PRIORITY 2:

ACCESS TO JUSTICE, JUDICIAL MANAGEMENT AND JUDICIAL SERVICES

CIVIL CLAIMS IMPLEMENTATION PROJECT

In order to address the increase in both number and complexity of matters being filed in the Civil Division, and to manage and reduce the lead times for matters to reach trial, the Division has focused upon the streamlining of its procedure, particularly pre-trial dispute resolution. The Civil Claims Review Project and Civil Claims Implementation Project were undertaken over a six-year period and entailed a complete overhaul of the civil claims process with a view to improving access to justice. The projects focused on providing helpful and plain language rules and documents for all participants including self-represented parties, agents and legal counsel. The objective has been to make the process more understandable and easier to navigate as well as facilitate a prompt resolution to all civil disputes.

The Court now uses three pre-trial dispute resolution mechanisms: mediation, judicial pre-trial conferences (successful in resolving about 50% of cases) and judicial dispute resolution (JDR). In 2019 that streamlining work culminated in the Civil Division's new case management procedure including plain language directions and significantly greater guidance about civil Court practice and process. Judges hearing civil matters may now employ two new initiatives for resolving disputes:

- a) a simplified trial process whereby, prior to trial, parties make full disclosure of all records and provide brief summaries of their case that are reviewed in advance by the Judge with an objective of conducting an expedited trial; and
- b) a unique binding JDR process allowing Judges to make binding, non-appealable decisions when parties do not arrive at settlements in a pre-trial conference setting.

The result of these new processes is that matters will be resolved more promptly.

CIVIL PROCEDURES AND FORMS

As of January 1, 2019, a number of significant changes impacting the Civil Division were implemented:

- The *Provincial Court Act* was amended to move provisions regarding procedures for civil claims into regulations, and now includes provisions for a binding JDR process and for simplified trials.
- the *Provincial Court Civil Procedure Regulation* sets out a process for civil claims.
- The *Provincial Court Civil Forms Regulation* includes simplified forms for civil claims. The forms are now “fill in the blank” format, and come with instruction sheets – all available on the Court website.
- The Court website contains guidance for each step taken in a typical civil claim including important points to consider before starting a lawsuit, instruction on preparing a claim, service of documents, and what to expect in Court.
- Civil Practice Note #2 was issued to provide for a Tariff of Recoverable Costs. This serves as a guide for Judges regarding costs to be awarded for each significant step during the course of litigation. While costs awarded still remain in the discretion of the Judge, this Tariff encourages more consistent awards to parties, their agents or counsel throughout the Province.

CRIMINAL CASEFLOW MANAGEMENT

The work on Criminal Caseflow Management has been a continuous focus of the Court since 2013. Its ongoing projects include:

- **Enhanced Use of Statistical Data:** The Court is working toward the establishment of an Information Management and Governance program to provide for the coordination of

information management needs for the Court, and to oversee the evolution, management and ongoing adherence to defined policies and practices in the area of information management. The goal is to ensure that there is coordination between the other Court initiatives and the Courts' Information Privacy Counsel and the Justice Information Technology Security Officer (JITSO).

- **Adjournment of Trials Policy and Preliminary Hearings Practice Directive:** This directive was developed for the express purpose of avoiding lengthy adjournments in trials that started but could not finish in the allotted time. Before its introduction, the average time to complete an adjourned trial or preliminary inquiry was three to five months. In its first two years, in 50% or more of such cases in Edmonton and Calgary, dates to complete adjourned trials or preliminary inquiries were found within two months, and often, within weeks. The protocol is now firmly established in both centres and continues to be effective in reducing lead-times.
- **Simultaneous Booking of Pre-trial Conference Dates and Preliminary Inquiry Dates:** to avoid needless delay this protocol requires the booking of pre-trial conference meeting dates at the same time as the booking of the trial or preliminary inquiry dates. If a pre-trial meeting between counsel and the Court must be adjourned, the new date must be set before the date earlier established for the preliminary inquiry.
- **Needless Court Appearance Reductions Strategy:** Instituted as a means of reducing the ever-increasing volume of cases and counsel appearing in busy docket Courts simply to obtain short adjournments to obtain disclosure, instructions, and the like before entering a plea or election, counsel are given a maximum of eight weeks from the first Court appearance date to deal with their matter at the booking counter. After that, if the matter is still not dealt with, it goes into Court where it must be dealt with expeditiously.

- **Confirmation Hearings – Unrepresented Accused:** In all of the larger judicial centres across Alberta, unrepresented accused and senior Crown counsel appear before a Judge six weeks before the scheduled trial date to confirm that upcoming trials will proceed as scheduled. Depending on location, Legal Aid staff, duty counsel, and Student Legal Assistance are present to assist the accused. Between 65-90% of these cases are resolved at the confirmation stage, thereby dramatically reducing the number of such cases going to trial and then collapsing on the trial date.
- **Calgary Regional Trial and Disposition Court project:** To make better use of Court resources and to reduce lead times in Calgary regional Courts, on consent by both Crown and Defence, Calgary regional criminal cases involving multi-day trials or sentencing matters from the judicial centres around Calgary are moved to criminal Court in Calgary, saving between 90-125 days of regional Court time annually.
- **Edmonton Criminal Motions Court:** Unique in Alberta, this Court allows counsel to bring contentious matters into Court before trial to obtain judicial direction or relief. Using Closed Circuit Television (CCTV), the Court is available to all equipped judicial centres in northern Alberta.

CRIMINAL RULES OF COURT

Over the last five years, the criminal law case load of the Court has increased substantially. One challenge presented by that increase was the lack of formal procedural criminal rules. As a result, in July 2019, following extensive consultation with the bench and bar, the Criminal Caseflow Management Committee completed a draft set of Criminal Rules and Forms to be used in all Federal criminal proceedings in the Court. The purpose of these rules is to ensure that criminal cases proceed expeditiously, and in a fair and consistent manner. In the fall of 2019, the Criminal Rules will be reviewed by the Federal Department of Justice for approval. Once approved, the rules and their authorized forms will carry the force of law. It is anticipated that they will come into force in 2020.

ACCESS TO JUSTICE FOR REMOTE COMMUNITIES AND INDIGENOUS COMMUNITIES

Many of the Court's sitting points serve remote communities that have little in the way of access or services. For residents of these communities, even just travelling to Court can pose a challenge. The Court has been a strong proponent of efforts to bring the Court closer to the communities it serves. The Court has worked closely with the Province and numerous other stakeholders to establish two new Courthouses that serve our northern communities.

In 2017, a new Courthouse opened in Fort Vermilion, serving the communities of Fort Vermilion, Fox Lake, Tallcree First Nation, Dene Tha' First Nation, Beaver First Nation, and Little Red River Cree First Nation. In 2018, another new Courthouse was opened in Red Earth Creek, serving northern residents including the communities of Peerless Lake, Trout Lake, and Loon Lake.

The Court has also been working closely with stakeholders from the Provincial and Federal Governments and the Chief and Council of the Alexis Nakota Sioux Nation to establish a Courthouse located in that community. A contract for construction has been awarded and construction will start in September 2019.

BAIL HEARING OFFICE

Alberta has a unique system of Provincial Court Hearing Offices, located in Edmonton and Calgary, which perform centralized Court services with Justices of the Peace. The Hearing Offices hear emergency applications such as exigent search warrants, emergency protection orders, and child apprehension orders on a 24-hour basis. They also preside over first appearance bail hearings for the entire Province between 8:00 a.m. and midnight.

In 2017, the Court of Queen's Bench determined that police do not have the legal authority to act as prosecutors for the purpose of presenting at bail hearings on indictable offences. By June 2017, Crown bail was implemented with every law enforcement agency in the Province, to ensure Crown prosecutors are available to speak to bail matters. Crown prosecutors conduct

bail hearings with a Justice of the Peace in the Edmonton and Calgary Hearing Offices through videoconferencing technology creating a virtual Courtroom. Where law enforcement can link in through video, a three-way bail hearing can take place with the accused also appearing on video. Where law enforcement cannot link in by video, tele-bail is used. Justices of the Peace and Crown prosecutors can be located in either Edmonton or Calgary and conduct bail hearings with an accused located anywhere in the Province.

The addition of duty counsel at first appearance bail hearings was fully implemented on September 24, 2018. With duty counsel now present at first appearance bail hearings, accused individuals will have an advocate to explain the process to them, assist them in making informed decisions, and better prepare them for future Court appearances. It also reduces the number of Court appearances they need to make.

In September 2018, a Hearing List was also implemented, which is used to manage files and disclosure. This Hearing List allows participants in the Justice of the Peace bail process to view an electronic docket of bail hearings and access bail packages, allowing better integration of the first-appearance bail hearing process with the subsequent prosecution of the file. It also allows law enforcement and Defence counsel to obtain real-time information about the status of a given file.

BILINGUAL BENCH

As part of the Court's commitment to access to justice, and in order to comply with the provisions of Part XVII of the *Criminal Code*, the Court ensures that a group of bilingual Judges maintain their proficiency in French and are able to preside over Court proceedings conducted in French.

The Court's "Itinerant Bilingual Court" is comprised of eight to ten Judges who receive legal language training through individual skype lessons, French moot Courts and annual seminars.

The Federal Government assists in this program through an “Access to Justice in Both Official Languages Support Fund” grant.

The focus of the program is the delivery of the Court’s services to Francophone accused persons (adults and youth), defendants in Provincial offence matters (adults and youth), and parties to civil, child protection or family law matters within the Court’s jurisdiction.

In the last five years, the Court has scheduled an average of 18 French trials a year and there are up to 300 requests for French interpreters annually.

LANGUAGE LINE INTERPRETATION SERVICES

The need for litigants to understand Court procedures in their own language is of importance for those who participate in the justice system. In addition to traditional in-person interpreter services that can be made available to parties, the Court has adopted “Language Line” interpreter services. This service is available in every courtroom in Alberta, and is an option for use when the presence of an in-person interpreter is not required, or is not available in a timely manner. This service provides interpreters via telephone in over 200 languages, in real time.

SELF-REPRESENTED LITIGANTS

Regardless of the division or area of the law, all Provincial Court Judges and Justices of the Peace deal with individuals who act for themselves in Court matters, without the aid of legal counsel.

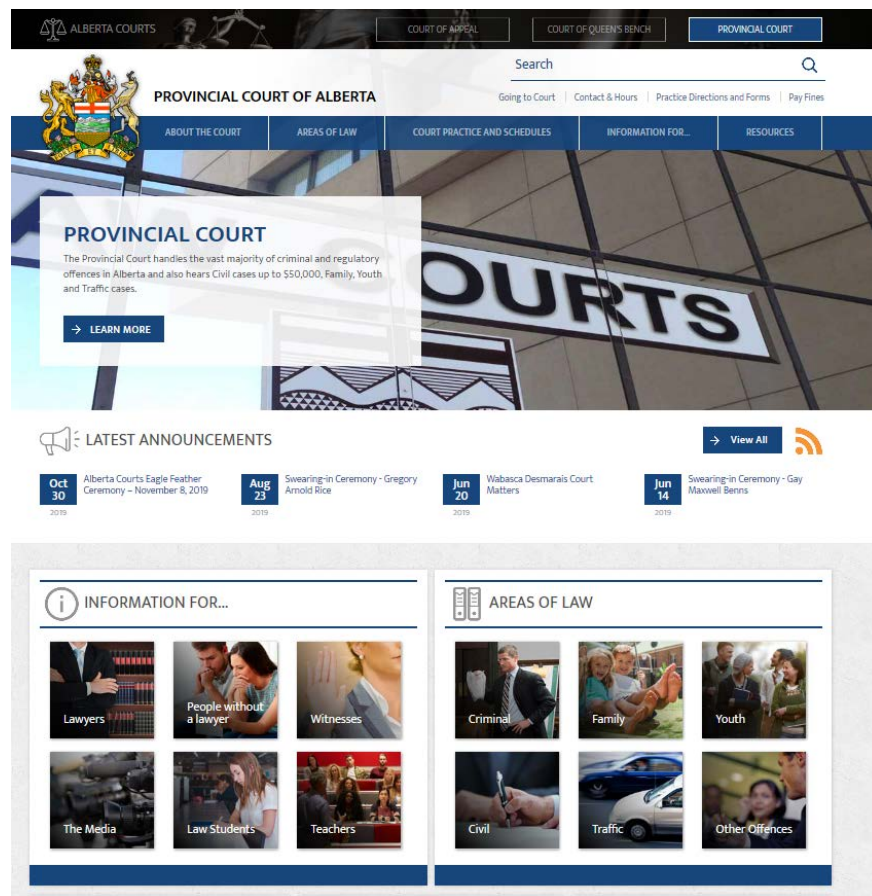
The Court has undertaken a number of initiatives to help self-represented individuals navigate their way through the Court system. Examples include the updating of Court forms, the development of simplified civil procedures, and the detailed information now available to the public on the Court’s website.

STRATEGIC PRIORITY 3: TECHNOLOGY AND INFRASTRUCTURE

EXTERNAL WEBSITE RE-DESIGN

The Court launched its new external website on January 3, 2018. This was the first significant re-design in over 10 years. The site has been revised and updated to be more intuitive and user friendly, with accessibility on any device.

In addition to improving the site's layout and navigability, the content of the site went through a complete review and overhaul, with many members of the judiciary contributing as subject matter experts, to ensure that the information and content is as current and accurate as possible.



COURT INFORMATION MANAGEMENT TECHNOLOGY (IMT) DIRECTORATE

All three Courts (Provincial, Queen's Bench, and Court of Appeal) have been working in concert to establish a Tri-Court IMT Directorate. This is the beginning of a redesign of the Courts' technology services division which will create opportunities for the Courts to improve their processes, information management and service delivery. The Courts are currently in the process of recruiting an Executive Director for this new Directorate.

COURT INTRANET RE-DESIGN

The Court's intranet offers a secure space for document repository and collaboration, and it is frequently accessed by the judiciary and Court staff. After a major software update to SharePoint 2019, the Technology and Web Committee is re-evaluating the site to make it more modern, comprehensive and user-friendly. The committee is in the process of reviewing the content and usability of the current site and recommend a new structure and new features.

MIGRATION TO OUTLOOK

The Court has accepted a recommendation from the Technology and Web Committee to migrate from Novell Microfocus to Microsoft Outlook, given the significant risks associated with the continued use of Novell. Planning efforts have begun and a Project Manager is in place. Although the budget has not yet been approved for this work, there is a strong case for it to proceed in order to mitigate the risks of continuing to use unsupported software.

DATA SERVER

The Edmonton data centre is currently housed in the basement of the Law Courts. Expert advice has been sought with respect to the preservation and updating of the data centre, as it has been determined to be both obsolete and fraught with risk. This Court has been working, together with the Court of Queen's Bench, the Court of Appeal, and government departments,

to explore the use of cloud storage. A consultant has been retained to produce a report identifying items that need to be addressed before judicial data can be migrated to the cloud.

STRATEGIC PRIORITY 4: JUDICIAL EDUCATION

Judges and Justices of the Peace are lifelong learners who regularly take advantage of opportunities to participate in education programs. The Court places a high priority on continuing legal education. This commitment is reflected in the Court's Judicial Education Plan, which describes the Court's approach and commitment to judicial education in four areas: substantive law, judicial skills, social context and judicial development.

New Judges and Justices of the Peace are assigned a mentor or mentors to facilitate the transition into their new roles and to discuss their educational needs. They also receive assistance from the Judicial Education Manager to establish their personal education plans. All Judges attend two week-long programs specifically designed for them.

Full-time Judges and Justices of the Peace can take up to 10 education days per year. Each Judge and Justice of the Peace is independent and responsible for his or her individual education plan, but everyone is strongly encouraged to participate in the Court conferences and in-house programs.

Judges and Justices of the Peace can also use a Professional Allowance to attend programs offered by external agencies such as the National Judicial Institute, Osgoode Hall or the Canadian Institute for the Administration of Justice.

The Court has the benefit of three Education Committees that work together to coordinate the education programs for the Court: The Judicial Education Committee, The Alberta Provincial Judges Association (APJA) Education Committee and the Society of the Justices of the Peace in Alberta (SJPA) Education Committee.

EDUCATION PLANS

The Judicial Education Committee reviews its three-year Education Plan annually, to keep it current. The Committee reviews developments in law and society, considers the goals and needs of the Court, and establishes education priorities. The Committee has also created a New Judges Education Plan and a New Justices of the Peace Education Plan that are updated on a regular basis.

APJA/SJPA EDUCATION CONFERENCES

The APJA and the SJPA receive a grant from the Government to organize biannual education conferences. During these conferences, the Court postpones all but emergency matters and all Judges and Justices of the Peace attend educational sessions. The conferences offer an array of topics and include breakout sessions for the different divisions. In the last two years, some of the predominant topics have included Diversity, Indigenous Issues, Sexual Assault Trials, Moving Cases to Resolution, and Impaired Driving.

In October 2019, Alberta hosted the Canadian Association of Provincial Court Judges (CAPCJ) conference. This conference replaced the fall education conference and was organized by the APJA. The Justices of the Peace had a separate conference at the same time.

BOOT CAMPS

In the past year, the Court has established a boot camp program for newly appointed Judges and Justices of the Peace. The program is presented by senior Judges of the Court in an effort to share their knowledge and experience. This program will continue to run annually in association with the Conferences. The first boot camps took place in October 2018 and May 2019.

- October 2018: selection of short topics and tips; civil case review
- May 2019: sexual assault judgment writing; civil case review

IN-HOUSE CONFERENCES

The Judicial Education Committee organizes full day in-house programs for Judges and Justices of the Peace. These invaluable programs are very cost effective but require determination to coordinate judicial schedules around regular Court hours. The Committee offered these programs in the last two years:

- Search Warrants – March 2017
- Judicial Dispute Resolution – February 2018
- Sexual Assault Trials – April 2018
- Spousal Support – March 2019

LUNCH AND LEARN PROGRAM

Lunch and Learn Judicial Coordinators in Edmonton and Calgary organize several lunch programs each year. All Judges and Justices of the Peace can attend these programs through video-conference. In the past two years, these are some of the topics covered in lunch sessions:

- Youth pre-trial detention
- Credibility of witnesses
- Sentence calculation
- Impaired driving and license prohibitions
- Gladue and bail
- Parole
- Cannabis legislation
- Financial entitlements upon separation
- Addictions and mental health services

JUDICIAL EDUCATION INTERNAL WEBPAGE

The Judicial Education Page provides access to bench books, education plans, materials from in-house programs, summaries of Alberta written decisions, links to conference sites and materials and information on oncoming programs. The Education Page resides in the Courts' intranet and has recently been upgraded to SharePoint 2019.

BENCH BOOKS

Members of the judiciary and counsel have prepared bench books that offer guidance to Judges and Justices of the Peace on different topics. The Civil, Criminal, Child Protection and Justice of the Peace bench books are housed in the internal Judicial Education Page. The Judicial Education Committee coordinates reviews of the bench books every couple of years. Currently, the Criminal bench book and Justices of the Peace bench book are under review, and will be available to Judges and Justices of the Peace in 2020.

OTHER EDUCATIONAL ACTIVITIES

During the last two years, there have been other educational initiatives offered, including the following:

- Tours of Remand Centres
- Mental health Court presentations
- Group online programs
- Video-recording of sessions for later viewing
- Computer training

STRATEGIC PRIORITY 5: SPECIALIZED NEEDS

SPECIALIZED COURTS

The Court has become a leader in adopting a restorative and rehabilitative approach to reducing crime. It is essential that we continue to take time to know the circumstances of the people who appear before us, understand why they are committing the offences they do, and make greater efforts to address the underlying causative issues such as mental health and addictions that bring them before the Courts. The Court's initiatives include the following:

INDIGENOUS COURT

In September 2019, the Court celebrated the grand opening of the Calgary Indigenous Court (CIC). This Court will provide a culturally relevant, restorative and holistic system of justice for Indigenous individuals including offenders, victims and members of the community, and will address the unique challenges and circumstances of Indigenous people. The Court will address judicial interim release and sentencing hearings



for Indigenous offenders who choose to participate in the CIC. The mandate of the CIC is to avoid unnecessary pre-trial or pre-sentence incarceration of Indigenous offenders where appropriate; to utilize effective alternatives to incarceration through culturally appropriate diversion, and to apply Indigenous restorative justice principles as well as those principles enunciated in *R v Gladue* and *R v Ipeelee* throughout all proceedings. Offenders will be encouraged throughout the Court process to learn about and reconnect with their Indigenous heritage.

The Court also holds specialty Court sittings in several Indigenous communities, including the Alexis Nakota Sioux, Siksika, and Tsuu T'ina First Nations.

The Court has been spearheading a further initiative, together with the Court of Queen's Bench and the Court of Appeal, to introduce and adopt the use of eagle feathers in every courthouse in Alberta. This is in acknowledgement of the fact that many First Nations people consider the eagle feather to be an object of spiritual and ceremonial significance, and should have the opportunity to use same when giving sworn testimony.



MENTAL HEALTH COURT

The Mental Health Court began operating on April 6, 2018. It deals with offenders who are in trouble with the law, in part, because of mental health issues. The offender's participation in this program is voluntary and the Court uses a therapeutic model that involves a collaborative and healing approach. The Court has the help of dedicated prosecutors, duty counsel, Legal Aid resource staff, mental health workers, and psychiatrists.

Similar to other criminal Courts, Crown and Defence counsel are the principal parties in the Mental Health Court. The goal of the Judge is to reach a decision that is both fair and effective. In this Court the process is slowed down considerably. The specific circumstances of the offender are considered and the Judge has the assistance of a group of legal and health professionals to help guide his or her decision. The sentencing focus is on addressing the problems that cause the behaviour rather than on punishing the offender.

The Mental Health Court sits three days a week in Edmonton and also handles assessments to determine criminal responsibility, fitness hearings, and applications for treatment orders.

DRUG TREATMENT COURT

Calgary and Edmonton have Drug Treatment Courts (DTC) that take a unique approach to dealing with offenders that have addiction issues.

Those interested in participating in the DTC make application through Crown counsel. Following a screening process, an observation day, and a treatment assessment, if suitable for the program, participants enter guilty pleas to their charges and are admitted into the DTC. Sentencing is delayed to permit participants to complete all of the program requirements. The participants are released into the community on very strict terms and conditions that include a curfew, random drug testing, weekly or biweekly Court appearances, mandatory treatment and counselling together with attendance at multiple meetings each week.

The DTC in Calgary has two separate streams of participants: a High Risk/High Needs stream and a recently created Early Intervention stream. As the name implies, participants in the High Risk/High Needs stream are at very high risk to re-offend and have high personal and social needs when they enter the program. The Early Intervention stream is for people who are highly addicted, but not as entrenched in a criminal lifestyle. Between the two programs, the Court serves 40 plus participants at any given time.

Upon graduation the Crown will no longer seek a custodial sentence. The participant will be employed, no longer involved in a criminal lifestyle, have improved mental and physical health, have strong supports in the community, sober friends and healthy boundaries.

The current graduation rate is 64%, which is very high in comparison to other drug treatment Courts. For those who do not graduate or graduate and then re-offend, the most recent recidivism study showed an 82% reduction in convictions at 19 months following sentencing or graduation.

DOMESTIC VIOLENCE COURT

Domestic Violence Court (DVC) is a specialized Court of the Criminal Division currently operating in Calgary and Edmonton. It handles only the criminal aspect of domestic violence matters. All family law matters, such as custody and visitation privileges, must be brought before the Family Division. The DVC is a specialized, problem solving Court designed to address many of the unique issues that are commonly found in prosecutions involving family violence. They emphasize the importance of early and effective intervention in abusive situations in order to increase victim safety and allow for a greater chance of offender rehabilitation.

The main objectives of the Domestic Violence Court are to:

- Intervene early in abusive domestic situations;
- Provide better victim safety planning, support and services;

- Increase offender accountability by earlier treatment/rehabilitation or vigorous prosecution; and
- Prosecute and manage family violence cases more effectively.

Calgary's DVC has been extensively studied and evaluated. Generally, the research shows that a responsive criminal justice system together with immediate access to treatment contributes to a reduction in recidivism. Domestic violence re-offence rates in Calgary were cut in half and victim engagement in the justice process has more than doubled. Between April 1, 2018 and March 31, 2019, 2755 new matters entered Calgary's DVC. Approximately 76.1% of those matters were resolved prior to setting a date for trial.

FAMILY COURT ALTERNATIVE DISPUTE RESOLUTION

Judges hearing family disputes regularly adopt modes of alternative dispute resolution in efforts to resolve matters without need for trial; or, alternatively, to narrow issues and decrease the amount of Court time ultimately required.

The Court's Family Law Committee established a *Case Management Plan* that includes best practices and aspirational time lines, encourages alternate dispute resolution options including mandatory JDR (unless waived by the Court), effective case management options and sufficient judicial scheduling time. This Plan also supports judicial education and the collection of relevant and reliable information and statistics.

JDR procedures are often used in both family law matters and in child welfare cases. Some Judges engage in an "adopt a family" approach when progress is made by having more than one JDR with children and parents who will require time for their lives to stabilize. This allows the parties to get to know what is expected of them. The Court may do this when they think the parties can work together with some guidance. It allows the Judge to get to know the parties and the parties to know and trust the Judge.

Pretrial conferences are also employed in order to ensure that the issues are clear and the parties are ready for trial. Resolution is explored and encouraged at this stage as well.

STRATEGIC PRIORITY 6: PUBLIC RESPECT AND AWARENESS

COURT CLERKSHIP PROGRAM

The Court offers two clerkship positions for recent law school graduates in both Edmonton and Calgary. Each student-at-law is assigned to an individual Judge who serves as the student's principal. Students-at-law work on research assignments for Judges in all areas of the Court's practice. They also have the valuable opportunity to observe proceedings in Court and discuss those proceedings with the presiding Judges, and to attend in-house educational seminars. Students are expected to deliver presentations on legal issues, and to complete their Law Society education requirements while completing their articles at the Court.

LAW DAY

Law Day is a national event organized by the Canadian Bar Association, held every April, that celebrates the signing of Canada's *Charter of Rights and Freedoms*. Activities are held in the Court that assist the public in learning about the law, the legal profession, and the judiciary. Activities include mock trials, courthouse tours, and speaking opportunities for school age students.



LAW SCHOOL SUPPORT

The Court coordinates with the Faculties of Law at the University of Alberta and the University of Calgary to offer a Provincial Court Clerkship course to students. In this program, students shadow Judges, observe Court proceedings and assist with research as requested. Law students receive academic credits for completing this course as well as valuable practical experience.

INDIGENOUS CAREER DAY

Starting in 2016, the Court, along with the Court of Queen's Bench, began hosting Indigenous Career Day in Edmonton. Indigenous high school students from Edmonton and the surrounding area come to the courthouse for a day of observations, discussions with Judges and presentations from various members of the legal community. Opportunities and programs such as this ensure that the Court is giving back to Albertans and the legal community.

OUTREACH

Judges also volunteer their time outside of work both within and outside of the legal community. They:

- attend local high schools and speak with students about a prospective legal career;
- guide tours of the Calgary Indigenous Courtroom for various school groups;
- host an Edmonton School Legal Education program for Grade 9 students, providing a day long immersive experience in the legal system and its culture. In the last five years over 10,000 students have participated in the program, which is supported by many Judges and judicial staff;
- speak at conferences and at presentations by local bar association groups regarding legal issues and developments;

- meet regularly with representatives of the Canadian Bar Association Alberta Branch, the Law Society of Alberta, and local bar associations to ensure that practitioners are fully informed of the Court's initiatives; and
- sit as "moot Court" Judges and volunteer as instructors for law students.
- One Judge in Calgary has, for the last 10 years, hosted a regular radio program, "View from the Bench", on CBC Calgary's Homestretch call-in show during which he discusses current, and occasionally controversial, issues of the day, from a judicial and legal perspective.

APPENDIX 1

CRIMINAL CASEFLOW MANAGEMENT COMMITTEE

The Criminal Caseflow Management Committee is composed of Assistant Chief Judges from the Northern Region, Central Region, Southern Region, Calgary Criminal and Regional, Edmonton Region, and Edmonton Criminal.

The Criminal Caseflow Management Committee's mandate is to develop and implement strategies and procedures to improve the flow of criminal cases through the Court to reduce lead times and routine but needless per-case adjournments.

In the six years since its inception the Committee has reduced the criminal Court case flow process times, reduced trial lead times, developed needed criminal law Practice Directions, and then consolidated and published all of them on the Court website. The Committee also developed a full set of criminal Court procedural rules and forms.

INDIGENOUS JUSTICE COMMITTEE

The Chief and Council recognize the importance of responding to the Truth and Reconciliation Commission (TRC) of Canada's Call to Action; and moreover, recognize the need to make changes to the Court system which will address the issues facing every Indigenous person who appears before the Court. To that end, the Indigenous Justice Committee was established in 2017, with the mandate to coordinate the Court's response to the TRC's recommendations. The Committee is a standing committee, and reports regularly to Chief and Council on its initiatives and progress.

The mandate of the Committee is, while fulfilling the role of the Court:

- a) to reduce the over representation of Indigenous peoples in the criminal justice and correction systems;

- b) to explore and incorporate alternative approaches that acknowledge and address the issues facing Indigenous peoples;
- c) to ensure Judges are continually educated about the perspective and experience of Indigenous peoples.

JUDICIAL EDUCATION COMMITTEE

The mandate of the Committee is to support, improve and enhance the professional competence of the Court's Judges and Justices of the Peace.

The Committee collaborates and works cooperatively with the APJA and the SJPA to help identify goals, topics and resources in the planning and presentation of education programs at APJA and SJPA conferences in addition to identifying and delivering other professionally beneficial programs of interest and benefit to Judges and Justices of the Peace.

The position of Judicial Education Manager was created in 2014 to assist Judges and Justices of the Peace in assessing their educational needs and finding resources to meet them. The Judicial Education Manager provides support to the Judicial Education Committee as well as any other Court committees that may deal with education matters.

FAMILY LAW COMMITTEE

The mandate of the Committee is to deliver justice on a fair, accessible and timely basis in the area of family law. The Committee develops strategic and operational plans.

The Committee:

- a) Arranges regular summaries of Provincial family law cases;
- b) Continues to work on standard file endorsement forms for all family law matters;
- c) Considers judicial education topics;
- d) Supports implementation of the Intake and Case Flow Management Regulation under the Family Law Act in locations such as Grande Prairie and Red Deer;

- e) Developed an information pamphlet for self-represented litigants in family law Courts;
- f) Supported a project in St. Paul to cross-train Native Counselling Service workers with Family Court Counsellors;
- g) Encourages standard wording for Court orders;
- h) Prepared a response from the Family Law Sub-Committee to the Alberta Government of Alberta Review Committee regarding “Protocols to Assist in the Streamlining of Child Protection Matters”.

TECHNOLOGY AND WEB COMMITTEE

The mandate of the Committee is to support, improve and enhance technology, website communications, judicial information technology security and Judicial and Court Information security.

2017 COMPLAINTS SUMMARY

**Shaded boxes indicate matters considered by a panel of the Alberta Judicial Council*

MONTH REC'D	COMPLAINT	INVESTIGATION AND DECISION	ACTION
January	The complainant asserts that the Judge made inappropriate and offensive comments during a Pre-Trial Conference.	No misconduct was found on the part of the Judge. The complainant objected to the fact that the Judge noted that he had nine ongoing litigation matters, and advised the complainant to be selective in the matters pursued. This was not inappropriate nor offensive.	dismissed
January	The complainant alleged that the Judge behaved in a rude and sexist manner towards his daughter, who acted as his agent at trial. The complainant also alleged that the Judge bent over and gestured to "kiss his ass".	The digital recordings of the trial were reviewed. The Judge did express frustration with both parties at various points during the trial for attempting to address matters not contained in the pleadings. Neither party was singled out and no rude or sexist language was used. The Judge did not gesture or imply to anyone in Court that they should "kiss his ass".	dismissed

MONTH REC'D	COMPLAINT	INVESTIGATION AND DECISION	ACTION
January	The complainant objected to decisions made by the trial Judge. The complainant alleged that the decision was preplanned, that the Court demonstrated rage and hostility towards him, and that he was denied a full and impartial hearing.	The Judicial Council reviewed the file materials, transcripts and digital recordings. There was no indication that the Judge demonstrated any kind of "rage" or hostility, or that the hearing was impartial. The fact that the Court did not rule in his favour did not mean the process was unfair.	dismissed

MONTH REC'D	COMPLAINT	INVESTIGATION AND DECISION	ACTION
March	The complainant alleged that the Judge had a “grudge” against him. He claimed that during his trial, the Judge blew up in a rage against him and screamed at him at the top of his lungs. The complainant further alleged that the Judge refused to grant him an adjournment.	The digital recordings of the trial were reviewed by the Judicial Council. The recordings indicated that when the complainant raised a concern about lack of disclosure, the Judge asked another Defence counsel in the courtroom if he would speak to the complainant for a moment to help him determine next steps. The Judge did grant an adjournment to the complainant. The complainant then complained about his treatment by Court staff and interrupted the Judge several times. The Judge did speak forcefully to the complainant when this happened. The Judge did not scream at him, nor demonstrate rage or any kind of grudge. There was no misconduct.	dismissed

MONTH REC'D	COMPLAINT	INVESTIGATION AND DECISION	ACTION
May	The complainant was unhappy with her treatment by the Judge at a JDR. She indicated that the Judge seemed confused as to why she was present.	The entire case file was reviewed. Information that should have been contained in the file had not been included and as such, the material given to the Judge was incomplete. This was the source of his confusion. There was no judicial misconduct on his part, however.	The Court apologized for the clerical error, but the complaint against the Judge was dismissed.
June	Four individuals complained about a Judge's conduct during a preliminary inquiry. The complainant in a sexual assault matter had been remanded in custody after the first day of the inquiry. Unbeknownst to the Judge, the complainant was transported in close proximity to the accused. She was also shackled while in Court.	The Chief Judge referred all four complaints to the Alberta Judicial Council. The Council reviewed transcripts, recordings of the proceedings, and relevant law before concluding that there was no misconduct on the part of the Judge.	dismissed

MONTH REC'D	COMPLAINT	INVESTIGATION AND DECISION	ACTION
June	The complainant objected to the JP's handling of a trial, and in particular the disallowance of certain questions. In addition, the complainant alleged that the JP was bullying and antagonistic.	The file and the digital recordings of the hearing were reviewed. Decisions made regarding evidentiary matters are not subject of a conduct review as they are within the JP's authority to make. The recordings indicated that at all times, the JP was courteous and professional. There was no misconduct found.	dismissed
July	The complainant alleged that the Judge behaved rudely towards lawyers and their clients and demonstrated a poor opinion of men. The complainant alleged that the Judge bullied an accused into accepting responsibility despite him stating he was not guilty.	The digital recordings were reviewed. There was no indication of the Judge speaking rudely to counsel or anyone at all, nor did the Judge engage in bullying behavior. The accused in question had been convicted by the Judge of indecent exposure. The complainant was related to the accused.	dismissed

MONTH REC'D	COMPLAINT	INVESTIGATION AND DECISION	ACTION
July	The complainant alleged that the Judge was involved in her family law file while in practice, prior to his appointment to the bench.	The Judge had no prior involvement with the complainant or her file before his appointment to the bench.	dismissed
September	The complainant was displeased with the Judge's handling of his pretrial conferences and his ruling on a summary judgment application. He alleged that the Judge was biased against him personally.	The file, transcript, and digital recordings of appearances were reviewed. The Judge demonstrated no bias against the complainant and in fact had ruled partly in his favour. There was no evidence of misconduct.	dismissed
October	The complainant found the Judge to be disrespectful and unprofessional. She alleged that the Judge yelled and used words "out of a movie". The complainant also objected to the order issued by the Judge.	The file and transcripts for the appearance were reviewed. There was no indication of disrespectful or unprofessional conduct on the part of the Judge, who neither yelled nor used abusive language. Regarding the substance of the order issued, this is not within the scope of a judicial conduct review. Objections to same may be addressed via the appellate process.	dismissed

MONTH REC'D	COMPLAINT	INVESTIGATION AND DECISION	ACTION
October	The complainant alleged that her pretrial Judge was biased against her and that the Judge's mind was made up before she even said a word.	The pretrial Judge had advised the complainant that her case had a number of weaknesses. Part of the role of the pretrial Judge is to review such information with litigants. This was not demonstrative of bias. There was no misconduct.	dismissed
October	The complainant alleged that the Judge was not impartial in a sexual assault trial.	The trial transcript and the Judge's decision were reviewed. There was no indication that the Judge treated either side with bias. The Judge's decision contained a thorough review of the facts, evidence and applicable law.	dismissed
November	The complainant asserted the Judge was prejudiced against them during a guardianship hearing, and told them they "had no rights". They had been served with only 36 hours' notice and claimed not to have sufficient time to retain a lawyer.	The file was reviewed; no misconduct or bias on the part of the Judge was substantiated. The Judge's decision to proceed with the application was within his authority to make. The digital recording of the Court appearance did not support the allegation that the Judge said they "had no rights".	dismissed

2018 COMPLAINTS SUMMARY

**Shaded boxes indicate matters considered by a panel of the Alberta Judicial Council*

MONTH REC'D	COMPLAINT	INVESTIGATION AND DECISION	ACTION
January	The complainant alleged that the Judge acted in a biased manner and neglected his duties, because of rulings he made with respect to evidentiary and procedural issues during a trial.	Substantive decisions by a Judge are not subject to a conduct review. The Judicial Council found that there was no indication from the transcript or file material of bias on the part of the Judge.	dismissed
January	The complainant alleged that the Judge forced him to sign a “fraudulent” bond, that she was agitated during his appearance, and that she “lectured” him.	A review of the digital recording indicated that the Judge read the bond conditions aloud and asked if he understood and agreed to them. He stated that he did. This concluded the Court appearance. The Judge did not “lecture” the complainant, nor was she agitated in any way.	dismissed

MONTH REC'D	COMPLAINT	INVESTIGATION AND DECISION	ACTION
January	The complainant stated that the JP was not impartial because he issued an emergency protection order with "no/zero evidence"	The JP referred to was no longer holding office and as such, the Court had no authority to review or address any complaints against him.	dismissed
January	The complainant felt that comments made by the Judge during a Court appearance were indicative of a bias against Albertans.	The transcript of the proceeding was reviewed. The Judge raised a number of issues that both parties were required to address. There was nothing indicative of bias and no misconduct was found.	dismissed
January	The complainant said that the conduct of the JP was cruel and humiliating. She alleged that she asked for an appeal and was told none was available.	Substantive decisions by a Judge are not subject to a conduct review. The digital recording of the appearance was reviewed and indicated that the JP confirmed the complainant's ability to appeal to the Court of Queen's Bench. The JP addressed the complainant with complete courtesy. There was no misconduct.	dismissed

MONTH REC'D	COMPLAINT	INVESTIGATION AND DECISION	ACTION
February	The complainant alleged that a JP influenced the dismissal of a matter against a party known to her.	The digital recording of the appearance was reviewed. It indicated that the JP advised the Crown one of the matters involved a person known to her, and as such that the matter should be transferred to another courtroom. Court adjourned, and when it reconvened the Crown advised an essential witness had not appeared for trial. The Crown withdrew the charge, which is a decision in its sole discretion to make. The JP did not influence the outcome and there was no misconduct.	dismissed

MONTH REC'D	COMPLAINT	INVESTIGATION AND DECISION	ACTION
February	The complainant raised concerns about the conduct of a JP, who required an individual to return for 54 Court appearances. Concerns were also raised that the JP had become too personally involved in the individual's problems.	The file, transcripts, and digital recordings were reviewed and the allegations were confirmed.	The JP was spoken to and told that the matter was to be resolved in a final matter and that no further appearances were to occur. A discussion regarding appropriate boundaries was also held with the JP.

MONTH REC'D	COMPLAINT	INVESTIGATION AND DECISION	ACTION
March	The complainant alleged an inordinate delay by the Judge in dealing with her application for child support; she claimed that the Judge's handling of her trial had resulted in unreasonable delay; and she claimed that the Judge was biased against her and should have accepted an application to recuse herself. (The Judge had denied the complainant's recusal application, which the complainant then appealed to the Court of Queen's Bench.)	<p>The complete file, transcripts, and digital recordings were reviewed. There was an inordinate delay with the child support application, but this was because it had been erroneously misfiled and the Judge was not aware it was outstanding. The delay in the trial itself resulted from the Judge's ruling that continuing without expert advice was not in the best interests of the children. This is a substantive ruling within the Judge's authority to make.</p> <p>The issue of the recusal application was appropriately directed to the Court of Queen's Bench, as substantive rulings cannot be subject to a judicial conduct review.</p>	dismissed
April	This was a complaint repeating the same allegations as the complaint received and investigated in September 2017, submitted by a different individual. The complaint was about the decision of the Judge, which was alleged to be the result of personal bias.	The complainant was advised that a Judge's substantive decisions are not subject to a judicial conduct review and moreover, that a review of the file demonstrated no bias on the part of the Judge.	dismissed

MONTH REC'D	COMPLAINT	INVESTIGATION AND DECISION	ACTION
April	The complainant alleged that the Judge demonstrated personal bias against her through critical comments made in the written decision.	The Judge's decision set out instances where she was of the view that factual misrepresentations were made, or positions were taken that were untenable. To identify such things is appropriately within the scope of the Judge's role and is not indicative of bias or misconduct.	dismissed
June	The complainant alleged that her JDR Judge was unprepared, and that he threatened her. She also claimed that she asked for an adjournment and he became angry and told her to go to Court.	The JDR Judge and the Court clerk both advised that the complainant had been aggressive from the outset, and that she objected to the presence of the clerk. The Judge attempted to review the current status and she raised her voice and accused him of being unprepared, then demanded an adjournment. The entire appearance took less than 5 minutes. The clerk had completed a Workplace Incident Report immediately thereafter. There was no misconduct.	dismissed

MONTH REC'D	COMPLAINT	INVESTIGATION AND DECISION	ACTION
June	The complainant said that the JP and the Crown were both in a hurry to get cases off the docket and verbally said that they were wasting the Court's time, and taxpayer money, so people should change their pleas.	<p>The digital recording of the Court proceedings for the entire day was reviewed. The JP addressed those in Court about the number of matters to be heard, and reviewed at length the process that would need to be followed if they wished to proceed. He did encourage those present to seriously consider whether they wished to proceed, but his tone was courteous and respectful. He did not make any statements about taxpayer money. There was no misconduct by the JP.</p> <p>Complaints about the conduct of a Crown prosecutor are not in the scope of authority of a judicial conduct review.</p>	dismissed
August	The complainant alleged that the JP showed a clear bias towards the Crown by allowing "evasive" testimony from the Crown's witness, and by disallowing his attempts to demand clarification. The complainant stated that the JP was doing the prosecution's job for them.	The digital recording of the proceedings was reviewed. The complainant was self-represented. The JP was polite and patient and made several attempts to explain to the complainant how to phrase questions in order to comply with the rules of evidence. There was no indication the JP favoured the Crown or played the role of prosecutor.	dismissed

MONTH REC'D	COMPLAINT	INVESTIGATION AND DECISION	ACTION
August	The complainant alleged that at a pretrial conference, the Judge met separately with the defendant, and that the Judge advised the complainant to “drop” his claim.	The Judge entered the meeting room to discover the defendant and counsel already inside, at which time he exited and called the complainant to enter. There was no discussion of any kind. At pretrial conferences it is common for Judges to address issues, strengths, and weaknesses with respect to the parties’ positions, which is what the Judge did here. There was no misconduct.	dismissed
September	The complainant alleged two Judges demonstrated bias against her, by offering support and advice to the opposing party and by yelling at her and her lawyer.	<p>The first Judge heard a family docket Court appearance. The matter was briefly adjourned so the Judge could review affidavit evidence, and then a JDR was set. The entire appearance took less than 10 minutes and there was no indication of bias.</p> <p>The second Judge, who presided over the JDR, chastised both parties - one for stating that she did not intend to obey a Court order, and the other for scheduling an application without confirming availability of the parties. This was not indicative of either bias or misconduct on the Judge’s part.</p>	dismissed

MONTH REC'D	COMPLAINT	INVESTIGATION AND DECISION	ACTION
September	The complainant had sought an order for protection for a child who was under the influence of drugs. She alleged that the Judge would not allow her to speak; that he intimidated her; and, that he told her that the police were being dispatched to take her son into custody, which was not the remedy she was seeking when she attended Court.	The file and the digital recordings were reviewed. They indicated that the Judge sought evidence from the complainant on the points required by the legislation, concluded the child was at risk, and issued the order. He did not prevent the complainant from speaking. The Judge was incorrect when he advised the complainant the police would be involved, as the order that was issued did not speak to this.	The Judge was reminded of the importance of clarity and communication, particularly when dealing with self-represented individuals in difficult circumstances
October	The complainant said that the Judge fell asleep during part of his trial. He also alleged that the Judge acted in the capacity of prosecutor, made derogatory comments, and admitted erroneous evidence. He asked that the Judge be replaced before the verdict was issued.	The Chief Judge does not intercede in ongoing matters. In any event, the complainant had brought a recusal application before the Judge on these same grounds, which the Judge denied. The transcript of the trial did not indicate that the Judge was biased, acting as prosecutor, or that he made any derogatory comments whatsoever. Substantive decisions by a Judge on legal or evidentiary matters are not subject to a conduct review.	dismissed

MONTH REC'D	COMPLAINT	INVESTIGATION AND DECISION	ACTION
October	The complainant alleged that the pretrial conference Judge made concessions to the Crown to help their case against him, but refused to listen to his concerns. The complainant alleged that the Judge therefore had a racial bias against him.	The digital recording of the appearance was reviewed. It indicated that both the Crown and Defence counsel agreed disclosure materials were lacking and jointly requested an adjournment. The complainant indicated that he was unhappy with the delay. The Judge explained the pretrial process and advised that it would be in his interest to have the aid of legal counsel. There was no indication that the Judge was "helping" the Crown, or that he showed any bias whatsoever.	dismissed
October	The complainant said that the JP used abusive language towards her, leaving her hurt and insulted.	The digital recording did not substantiate this allegation. The complainant had insisted she was guilty but that she had an explanation. The JP issued a reduced fine. The complainant called him "unfair" and he showed forbearance and courtesy in response.	dismissed

MONTH REC'D	COMPLAINT	INVESTIGATION AND DECISION	ACTION
October	The complainant said the JP behaved in a disrespectful and unprofessional manner during her trial.	The digital recording of the trial was reviewed. The JP disallowed certain lines of questioning the complainant attempted. In each reason he explained the reason for his ruling, and indeed took time to explain the process to the complainant. There was no indication whatsoever of disrespect on his part. There was no misconduct.	dismissed
October	The complainant said that the Judge refused to read her evidence; and that she became "impatient, rude and furious".	The transcript and digital recordings were reviewed. The Judge had advised all parties at the start of the trial that she would not rely upon previously filed material, and sought verbal testimony. The Judge considered only the evidence presented at the actual trial to inform her decision. The recordings did not substantiate any claims of impatience or rudeness. The Judge was patient, courteous and professional at all times.	dismissed

MONTH REC'D	COMPLAINT	INVESTIGATION AND DECISION	ACTION
November	<p>The complainant said that the Judge was dismissive towards her, and that he put her matter over for another date when she felt it could have been dealt with in one Court hearing. The complainant said that 35 docket cases were scheduled to be heard that afternoon, which did not allow them to be heard and resolved properly.</p>	<p>The file and the digital recordings were reviewed. The Judge put the matter over to another date because the opposing party had left and was not in Court. In addition, the complainant's matter was complex and unsuited for a docket appearance. Family docket Court is intended to move matters forward, set trial dates, and put consent orders and interim orders into place. The number of cases on the docket was not unusual. The Judge was not rude or dismissive towards the complainant. There was no misconduct.</p>	dismissed

