

PRACTICE NOTES

PROVINCIAL COURT OF ALBERTA

NOTICE TO THE PROFESSION

CASE MANAGEMENT – EARLY CASE RESOLUTION

The Provincial Court of Alberta is implementing an Early Case Resolution Programme across the Province of Alberta effective March 1, 2002.

On May 21, 2000 the Chief Judge struck a committee under the Chairmanship of Assistant Chief Judge J.A. Wood. The members included Assistant Chief Judge Brian Stevenson and Peter Caffaro, representatives of the Law Society of Alberta, the Alberta Branch of the Canadian Bar Association, policing agencies (Chiefs of Edmonton, Calgary and Lethbridge City and Assistant commissioner RCMP), Chief Crown Prosecutors (Edmonton, Calgary, Lethbridge and Senior Federal Prosecutors Edmonton and Calgary), the Legal Aid Society of Alberta and the Assistant Deputy Minister of the Department of Justice. The Committee met throughout the next 10 months, reaching a draft position in March 2001. The Committee then consulted with members of the Bar and Crown counsel in Lethbridge, Medicine Hat, Calgary, Red Deer, Wetaskiwin, Edmonton and Grande Prairie. A unanimous final report was presented to Chief Judge E.J.M. Walter in early July 2001.

The programme addresses issues being considered in other parts of Canada and which has been tested in a pilot programme in Southern Alberta since 1996. The initiative represents best a practical approach to early case resolution for all participants in the criminal justice system which will enhance the administration of justice in Alberta.

The purpose of early case resolution is to provide Defence and Crown Counsel an opportunity to address critical issues at the early stages of criminal proceedings. Upon a first appearance with their client, Defence Counsel will be given sufficient time to obtain timely disclosure, meet with their client and receive instructions, meet with Crown Counsel, and assess and determine a direction prior to election and/or plea. Counsel will be able to determine at a much earlier stage the direction they wish to have their matter proceed. This is intended to reduce or avoid costly adjournments. A corresponding benefit will accrue to timing and scheduling of all matters before the courts. We expect Defence Counsel will find early case resolution is in their client's interests and will reduce the amount of time spent in court appearances. Early case resolution can significantly reduce the number of trials being booked as well as the trial collapse rate. Such reductions result in a benefit to the public, counsel, police and witnesses by ensuring their time is better considered and not inconvenienced.

This initiative has the ability to provide a more productive and effective operation of the court for all users, and reduce the demand on critical resources. The support of each of the stakeholders in the justice system is necessary to achieve expected results. Enhanced quality of service is a benefit to all users. However, nothing in this programme will diminish the rights of those appearing before the court.

A review of this programme will be undertaken by the committee before the end of the 2002-2003 fiscal year. That review will incorporate meetings with all stakeholders to consider

changes, alterations or adjustments needed to ensure this programme continues to provide the benefits sought for each of the partners in the system.

Practice Rules – Early Case Resolution

- [1] These rules apply to matters where counsel represents the accused.
- [2] Reference to ‘parties’ is a reference to Crown and Defence Counsel.
- [3] When Defence counsel first appears in court with respect to an information alleging an offence or offences, the court may adjourn the matter for a period of time, not exceeding six weeks (“Resolution Adjournment”).
- [4] During the Resolution Adjournment the parties will attend to the following matters:
 - (a) Crown Counsel will as soon as practicable effect disclosure of the case for the prosecution to Defence Counsel.
 - (b) Defence Counsel will arrange to meet with a Crown Counsel.
 - (c) The Crown will apply such resources as to be able to accommodate consultation requests from Defence Counsel.
 - (d) The parties will meet to determine whether the matter may proceed to resolution or trial, and in the case of a trial, whether any matters can be resolved prior to trial.

The parties may mutually request a further adjournment, on grounds that a resolution may be obtained, or that witnesses or trial time may otherwise be reduced.

Where a trial is scheduled, either party, or the court on its own motion, may refer the matter to the court for a pre-trial conference.

In the context of trial scheduling the parties will make all reasonable efforts to ensure that all matters necessary for the conduct of the trial as scheduled are in order.

Should any circumstances change prior to the trial date, that party shall forthwith advise the opposite party and the court, and schedule an appearance as soon as practicable to apply for a trial adjournment.