



## Alberta Court of Justice

### Calgary Criminal & Regional Assigned Cases Protocol

---

Effective: September 15, 2014

1. Currently, all Calgary cases scheduled for half day or more are set in to our assignment courts (Courtroom 1005 or Courtroom1106) on their trial day.
2. Of these trial matters, those scheduled for **one day or less** are generally not assigned in advance to any specific Justice. Rather they are sent out by the assignment court Justice from the assignment court to an available “feeder” courtroom and Justice.
3. In contrast, all trials scheduled for **more than one day** (and, on occasion, shorter matters of some complexity or where some advance case law or application material has been filed) are assigned in advance to a specific Justice (the “Assigned Justice”). This advanced assignment process is to ensure we will have a Justice available for all of the days the trial is scheduled (i.e., no holidays or Judgment weeks, etc. scheduled).
4. Some years ago, it was agreed by our Justices that once a specific Justice has been assigned to a case, any adjournment requests or guilty pleas for that case that are brought by either side **six (6) weeks or less** before the scheduled trial date **must** be brought before that Assigned Justice. This includes any adjournment applications or guilty pleas made on the day of the trial. Thus, where there is an adjournment application on an assigned case in the assignment court on the trial date it is to be heard by the **Assigned Justice** rather than the assignment court Justice. One reason for this is that the Assigned Justice may very well know more of the history of the case (including, for example, prior applications or adjournment requests) than the assignment court Justice. Another reason is that the Assigned Justice may have already read material filed on the case, or otherwise done work to familiarize themselves with the case to which they have been assigned.
5. An **exception** to this general “rule” may occur if the Assigned Justice conveys their agreement to the assignment court Justice that the assignment court Justice

may deal with the matter. This is often done informally by the assignment court Justice with a simple office visit, phone call or email exchange with the Assigned Justice, but it is important that this step be taken as a matter of courtesy to the Assigned Justice.

6. If (and only if) a Justice is legally **seized** with a case (i.e., either because it is a continuation, or a particular Justice earlier indicated on the record that they are seizing themselves with the matter, or for some other legal reason), the assignment court Justice will transfer the case to the legally **seized** Justice to deal with any substantive matters on the case. This includes a guilty plea or adjournment request, unless that seized Justice is for any reason “unable” to do so (i.e., see Section 669.2 CC).
7. There is **no** requirement that an **Assigned Justice** hear an adjournment application or guilty plea if the application or plea is made **more than six (6) weeks before the scheduled trial** date, unless the Assigned Justice is (for whatever reason) already also legally **seized** with the matter. This will allow the judicial scheduler some flexibility in:
  - a. Re-assigning the matter if an adjournment is granted and the new trial dates conflict with the schedule of the originally Assigned Justice, or;
  - b. Working with counsel to set a disposition date if the matter is proceeding by way of guilty plea.
8. If a matter is truly urgent, and the **Assigned Justice** is not readily available, an adjournment request made **6 weeks or less** before the scheduled trial date may be brought before the Assistant Chief Justice or his/her Designate. 9. Please note that this directive applies to Calgary Regional Courts as well. In the Regional courts, cases scheduled for **more than half day** will have an Assigned Justice.