



Alberta Court of Justice

Northern Region Criminal Call Forward Practice Directive

Effective: December 9, 2022

Application

This Practice Directive relates to the calling forward of criminal matters to be spoken to on an earlier date.

Background

The historical and current practice/policy for calling matters forward varies between locations in the Northern Region and throughout the province. In some locations, at some times, the practice is or has been to permit crown or defence to call a matter forward; in some locations, at some times, the practice is or has been to permit only the crown to call a matter forward, in which case the defence makes a request to the crown, and the crown calls the matter forward to a mutually agreeable date for the purpose requested. How and when those practices arose is unclear; where practices have apparently changed, the reason for the change appears to have been related to the behaviour of counsel in providing reasonable notice to opposing counsel.

In areas where the practice is for only the crown to call matters forward, it appears complaints have rarely arisen; likewise, in areas currently using the practice of either counsel being permitted to call matters forward, it appears complaints rarely arise. Either practice is reliant on the reasonable and cooperative behaviour of counsel.

Allowing only the crown to call matters forward arguably provides a procedural advantage to the crown, with the possible perception that the Court's authority to manage its own processes has been at least partially delegated to the crown. The fact that in the overwhelming majority of instances crown counsel have appropriately exercised the discretion permitted (in locations where it is permitted) is insufficient justification for the perceived procedural advantage continuing.

Procedure:

Either crown or defence counsel may have a matter called forward to an earlier date on reasonable notice to the other, and upon representing to the clerk that they have provided such notice. The presiding Justice before whom the matter appears will determine in their discretion whether notice has been reasonable in the circumstances and may permit either crown or defence an adjournment or otherwise address the issue as they see fit.

The default expectation for “reasonable notice” in relation to the services required of the Clerks in arranging for files to be brought forward is two business days; clerical capacity may or may not permit the shortening of that time frame. That is distinct from “reasonable notice” in terms of both timing and substance as between counsel.

Counsel are expected to make every effort to ensure that notice is reasonable, both in terms of timing and substance. The Court recognizes and appreciates the past and ongoing efforts of the majority of counsel in that respect.