



COURT OF QUEEN'S BENCH OF ALBERTA

NOTICE TO THE PROFESSION AND PUBLIC

INQUIRIES ABOUT THE STATUS OF RESERVED DECISIONS

In 1985, the Canadian Judicial Council resolved that, in its view, reserved judgments should be delivered within six months after hearings, except in special circumstances.

In 2020, the Supreme Court of Canada in *R. v. K.G.K.* 2020 SCC 7, proposed at para 76 that courts standardize a process by which counsel can inquire as to the status of a verdict in criminal judge alone trials. The majority of the SCC noted (at paras 57 and 65) that the trial judge is presumed to have struck a reasonable balance between the need for timeliness, trial fairness considerations, and practical constraints. Only where the deliberation time is “markedly longer” than reasonable will the presumption be displaced.

The majority in *K.G.K.* noted (at paras 61 and 62) that “reasonable” deliberation time must account for individual judges’ workloads, different approaches to reasons and reasoning, and the realities of the judges’ daily lives. Reasonable deliberation time must also account for limits on judicial and court administration resources. Those limits have led to increased wait times for hearing, resulting in overbooking by the Court of Queen’s Bench to compensate, leaving less deliberation time for each case. Insufficient resources have also led to understaffing and incomplete integration of technological solutions to improve efficiencies within the Court. Most recently, COVID-19 has created a significant backlog of cases in all areas of the Court’s jurisdiction, which is expected to increase the workload of Justices and Masters, further impacting the timely completion of reserved judgments.

While these practical realities must be factored into reasonable deliberation time, the Court of Queen’s Bench has decided to implement a process as recommended in *K.G.K.* by which inquiries can be made by counsel or self-represented parties about the status of a reserved decision in all areas of the law.

Counsel or self-represented parties wishing to inquire about the status of a reserved decision of a Justice or Master may do so by writing to the Chief Justice, with the following information:

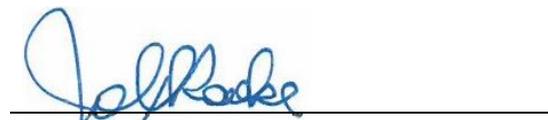
- a) where there is counsel, the names and email addresses of all counsel and of the party(ies) each represents; where one or more party is self-represented, the name and email address of any self-represented party(ies);
- b) the Judicial Centre in which the trial or application was held;
- c) the Indictment number or Action number;
- d) the name of the trial or application Justice or Master;
- e) the number of days of hearing and number of witnesses, including expert witnesses;
- f) the date the final trial or application process concluded;
- g) the length of time since then that the decision has been under reserve;
- h) if a criminal matter, the proximity of the case to the *Jordan* ceiling prior to the decision being reserved;
- i) any communication during the proceedings from counsel or self-represented parties to the Justice or Master regarding time sensitivity; and
- j) any communications from the Justice or Master to the parties during or following the proceedings on an expected date of completion of the reserved judgment.

The Court acknowledges that in some litigation, it may be difficult to prepare a joint communication. Where that is not reasonably possible, counsel or a self-represented party may forward a letter to the Chief Justice following the directions above, copying all other counsel or self-represented parties.

The Court will respond within 30 days to an inquiry made under this Notice by providing all counsel and/or self-represented parties with an update as to the status of the reserved judgment.



Mary T. Moreau, Chief Justice



John D. Rooke, Associate Chief Justice



Kenneth G. Nielsen, Associate Chief Justice