



THE PROVINCIAL COURT OF ALBERTA BIENNIAL REPORT

APRIL 1, 2019 – MARCH 31, 2021

Note to Readers:

Copies of the annual 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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November 2021

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MESSAGE FROM THE CHIEF JUDGE

It is my pleasure to present the 2019–2021 Provincial Court of Alberta Biennial Report which covers the activity of the Court for the two-year period from April 1, 2019 to March 31, 2021. It is my particular honour to present this report as it is the first Biennial Report prepared during my tenure as the Chief Judge.

Assuming the role of Chief Judge in the midst of the COVID-19 pandemic has been both a challenging and an educational experience. The Court, like every other part of our society, saw its operations dramatically impacted, as we significantly scaled back operations to

implement new processes and technology that would allow us to safely deliver justice to Albertans. First and foremost, I wish to acknowledge and thank former Chief Judge Terry Matchett and former Deputy Chief Judge Lillian McLellan, who not only led the Court through many transformational initiatives during their terms, but who ensured that the Court's pandemic response, and the transition of leadership during this unprecedented time, were both as smooth as possible. Their leadership and continued support have been invaluable to the Court and to me personally.

Although the pandemic has presented numerous challenges and obstacles, our Court has responded with creativity and flexibility. We have been greatly in need of upgraded technology for some time, and were able to implement systems that allowed us to run many proceedings remotely, conduct meetings and educational presentations via Webex and Zoom, increase



opportunities for electronic filing of documents, and conduct pilot projects to introduce digital warrants and remote dockets. Chief and Council and our various Committees continue to monitor available health and safety information and stay in communication with the other Courts not only in Alberta but throughout the country.

While much time and energy has been spent on our pandemic response, the Court has both maintained its work on several initiatives, and has expanded and/or launched new ones. I am very pleased to share that we have finalized the Court's next three-year Strategic Plan, which is the result of lessons learned over the past number of years, our collective COVID-19 experience, information provided to us by our colleagues through the internal survey, as well as information received from the profession in the first external survey of its kind ever conducted by a Canadian Court. I am proud to say that for the first time, we also collected input and information from our Justices of the Peace.

We have also undertaken a reorganization and repopulation of our Court Committees. The Committees have all refreshed and updated their terms of reference, and have established standardized meeting times and record keeping. I am particularly pleased to note that we have expanded our Case Flow Management committees such that there are now committees in each of the Criminal, Civil, and Family and Youth Divisions.

We are also in the process of coordinating a review of the Hearing Office and are getting ready to start work on a Justice of the Peace complement report and an update of the 2017 Judicial Complement Report.

Another new initiative has been the pilot and subsequent implementation of Digital Judicial Authorizations. Judges in Edmonton have been successfully using this process for more than a year and steps have been taken to expand this useful tool throughout the province, which should greatly increase the efficiency of issuing warrants.

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 73 locations across

the province and handle the vast majority of litigation in Alberta. Over the past number of 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. This work has, not surprisingly, been further complicated by the impact of the COVID-19 pandemic.

It has been an honour for me to work with the Judges and Justices of the Peace on this Court who serve the public with such diligence and dedication, and with their respective representatives from The Alberta Provincial Judges Association and The Society of the Justices of the Peace of Alberta. I also acknowledge the hard working and committed judicial and court staff who so capably support the Provincial Court.

I hope you enjoy reading this report and come to understand more completely the critical role The Provincial Court of Alberta plays in maintaining the Rule of Law by which and through which citizens can order their lives.

THE PROVINCIAL COURT OF ALBERTA

VALUES AND VISION

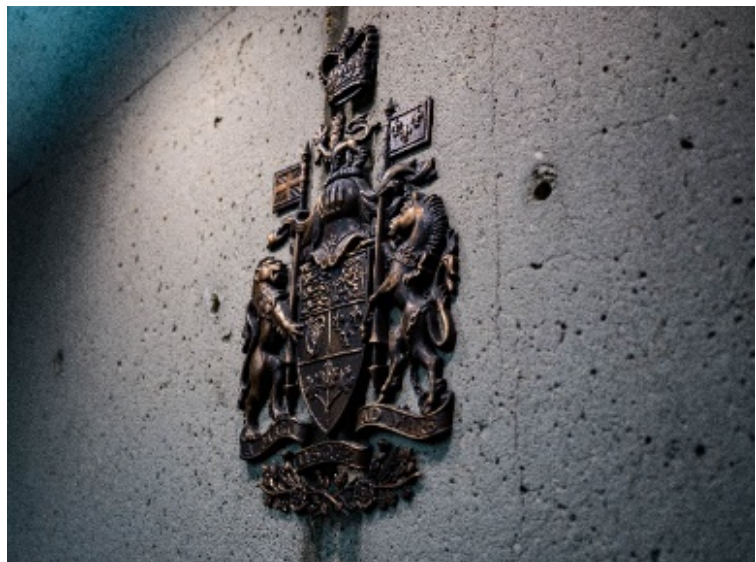
The Court has served Albertans for more than a century and has grown to meet the continuously evolving needs of Alberta's diverse society. During this time, the Court has maintained the confidence of Albertans and has a reputation for providing accessible and timely justice to all.

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, six 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, Justices of the Peace and judicial staff, are:

- Education
- Criminal Case Flow Management
- Civil Case Flow Management
- Family, Youth and Child Protection Case Flow Management
- Indigenous Justice
- Technology

These committees contribute significantly to the realization of the Court's strategic planning goals and objectives.

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

The Deputy Chief Judge is appointed for a seven-year term. 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

The Court has nine Assistant Chief Judges, who are appointed for terms 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: accountable for the executive management and business advisory services of the Court. This position is also responsible for overseeing all of the Court’s strategic, business planning, reporting, administrative and financial operations.

Executive Legal Counsel: provides high-level legal advice and support regarding complex legal matters, the assessment of judicial conduct, and senior level policy research and development.

Financial Manager: 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

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.

Manager of Communications and Judicial Education: oversees internal and external communications and 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.

Business and Information Management Advisor: supports the information management needs of the Court and advocates for systems that will provide effective and productive business support. This role also provides advice to the Court on technology, 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.

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



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 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 the communities 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 dismissal of the complaint, corrective measures, reprimand, or referral of the complaint to an inquiry. All complainants receive a written response advising them of the outcome of their complaint, as well as the reasons for same.

[*See Appendix*](#) for a summary of the complaints received regarding judicial conduct, as well as their outcomes.

OVERVIEW OF THE COURT

OUR PEOPLE

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 defined in a statute. While all Judges may hear cases in all areas of the law where the Court has jurisdiction, the Court does function by division, by both subject matter and geography.

JUDICIAL COMPLEMENT

The Court's total judicial complement remained at 136 full-time positions, although some of them are filled by part-time Judges. Of these positions, the Court had 128 Judges in place as of March 31, 2021 (or a vacancy rate of six per cent). The Court also had 27 supernumerary Judges (retired Judges who still sit on occasion) who are available to sit in any court location in Alberta when required.

Judicial Appointments for the period April 1, 2019 – March 31, 2021

April 14, 2020:

Jeff Champion – Edmonton Region

Francine Roy – Edmonton Criminal

Carole Godfrey – Edmonton Criminal

Robin Snider – Central Region

Brandy Shaw – Calgary Criminal and Calgary Regional

Eric Tolppanen – Calgary Criminal and Calgary Regional

Tracy Davis – Calgary Family and Youth

November 4, 2020:

Erin Olsen – Southern Region

JUSTICES OF THE PEACE

Justices of the Peace (JPs) follow a similar appointment process to Judges, but the Provincial Court Nominating Committee is not involved. Justices of the Peace are appointed for ten-year terms, and are eligible to sit as ad hoc Justices of the Peace on a yearly basis for a further five years thereafter.

As of March 31, 2021, the Court had a complement of 11 full-time and nine part-time Justices of the Peace. The Court also had 20 ad hoc Justices of the Peace.

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 hearings for the protection of victims of human trafficking or missing persons cases. 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 operates 24 hours per day), and one in Edmonton (which operates 16 hours per day). Justices of the Peace are available to hear matters from any area of the province, unless they must be heard in person.

Justice of the Peace Appointments for the period April 1, 2019 – March 31, 2021

October 14, 2020

D. Nicole Dumaresque – Calgary, FT
Cathryn Duxbury – Edmonton (PT to FT)

December 9, 2020

Steven Davis – Calgary, PT

OUR WORK

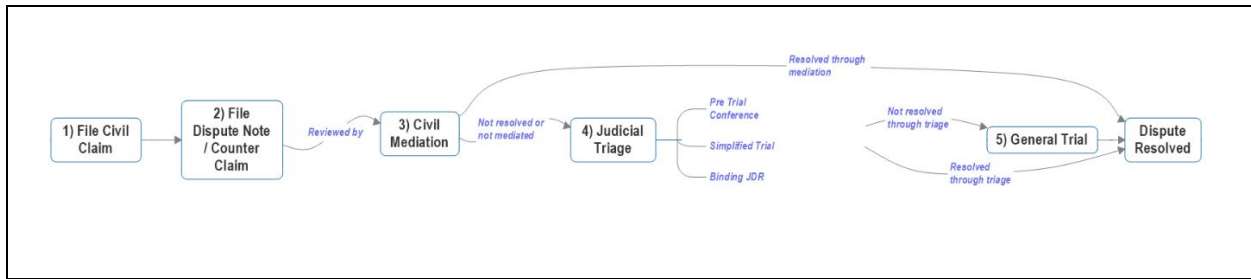
CIVIL DIVISION

The Civil Division has jurisdiction over certain civil disputes as specified in the *Provincial Court Act*. These disputes include claims for debt and damages, often arising out of contract, negligence, or both. Typical matters heard by the Judges of the Civil Division are claims for breach of contract (sale of goods, consumer protection, unpaid loans, faulty workmanship), motor vehicle accidents, wrongful dismissal, and commercial and residential tenancy matters. Since the fiscal year 2016–2017, an average of 14,700 claims per year are filed with the Court¹.

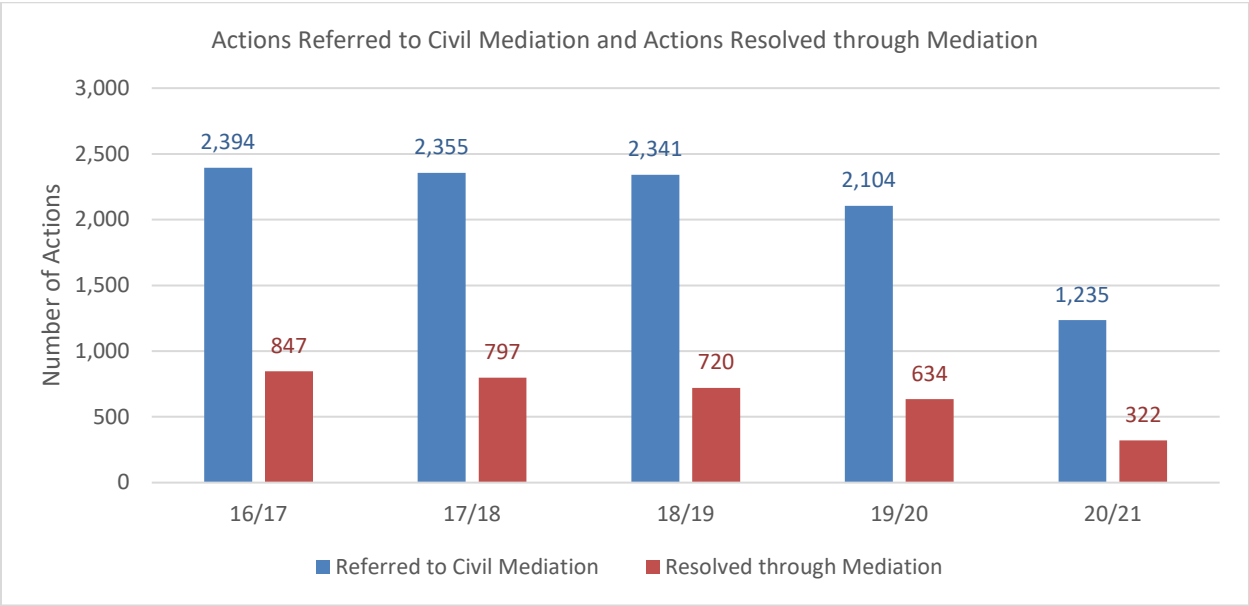
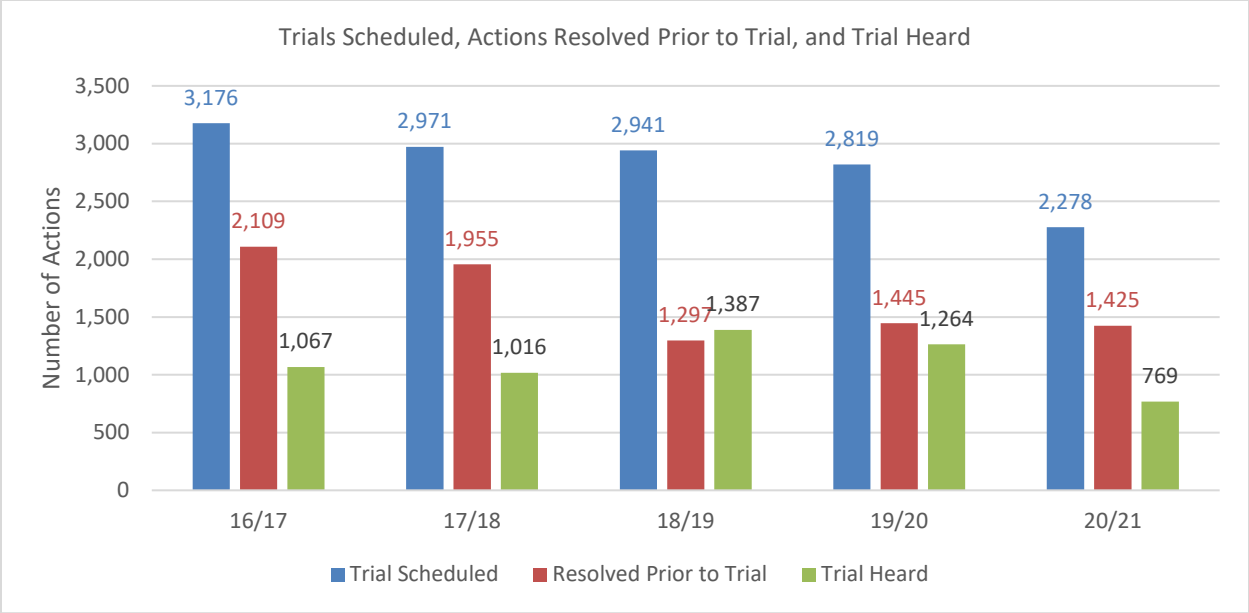
The *Provincial Court Act* and Regulations were amended in 2019 to implement plain-language rules of procedure, introduce new quick resolution processes and provide online access to court forms. These changes have resulted in enhanced access to justice in a Civil Division that is designed to deal with disputes as expeditiously and inexpensively as possible. All parties 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, both of which provide for a hearing before a Judge and are designed to have the dispute concluded within one hour.

¹ COVID-19 caused a significant reduction in the number of civil claims filed in the province in 2020–2021 largely due to in-person court appearances being postponed or curtailed, as well as the filing of court documents being restricted to use of drop boxes. We are expecting the number of claims to return to previous levels as we emerge from COVID-19 restrictions.

CIVIL CASE FLOW STATISTICS



Stage	Description	16/17	17/18	18/19	19/20	20/21
1. File Civil Claim	Number of claims commenced	17,980	16,182	15,740	14,692	9,197
2. File Dispute Note / Counter Claim	Number of dispute note / counter claims filed by defendant	5,697	5,883	5,257	4,916	3,544
	Number of cases where defendant is noted in default	6,574	6,617	5,666	2,410	1,471
3. Civil Mediation	Number of cases mediated	2,394	2,355	2,341	2,104	1,235
	Number of cases resolved through mediation	847	797	720	634	322
4. Judicial Triage	Number of cases resolved prior to trial	2,109	1,955	1,297	1,445	1,425
	Number of trials scheduled where a resolution has not been reached	3,176	2,971	2,941	2,819	2,278
5. Trial	Number of trials conducted	1,067	1,016	1,387	1,264	769



Volumes within the Civil division have remained consistent over the past number of years, both with respect to the number of claims filed and the number of claims resolved and heard. The impact of COVID-19 on all of these data points is clear as the Court recorded a significant decrease in the number of claims filed for 2020–2021 as well as the number of trials that could actually be heard given the necessity to suspend the hearing of trials as a result of the pandemic. That said, it is expected that the numbers will increase as the Court is able to resume

more of its normal functions and has to also address file backlogs. The loss of funding for civil mediation services outside of Edmonton and Calgary has contributed to the decrease in mediations held, although services continue in the two cities.

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*, the *Firearms Act*, and the *Public Health 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 per cent 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). Many offences are “hybrid” offences, meaning there is a choice whether to proceed by way of summary conviction or by indictment. The decision about how a matter will proceed lies with the Prosecution Service.

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.

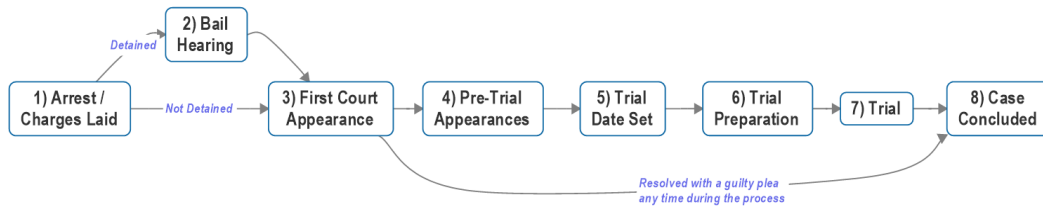
In addition to criminal trials and sentencing proceedings, Judges also conduct bail hearings for arrested and detained accused and consider applications for search warrants, general warrants, DNA warrants, *Feeney* warrants, party consent wiretap orders, production orders, assistance orders, prisoner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

Over the past five years the number of criminal charges started and the number of those cases completed in the Court have both substantially increased. In 2019–2020, 132,302 criminal cases were commenced, an increase over the first four years of 14 per cent. This was followed by a decline in numbers due to COVID-19 restrictions.

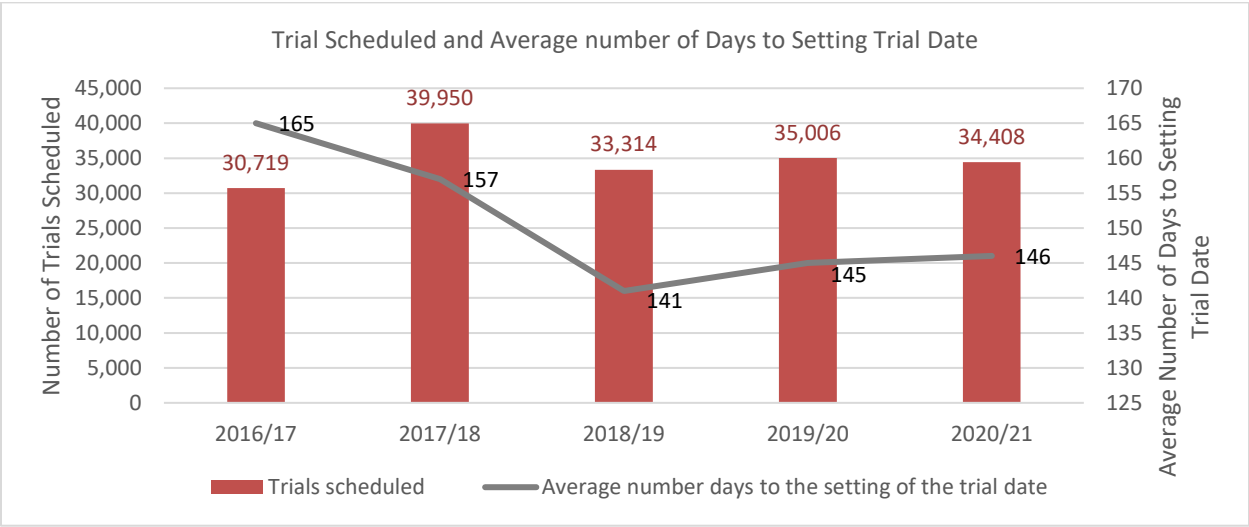
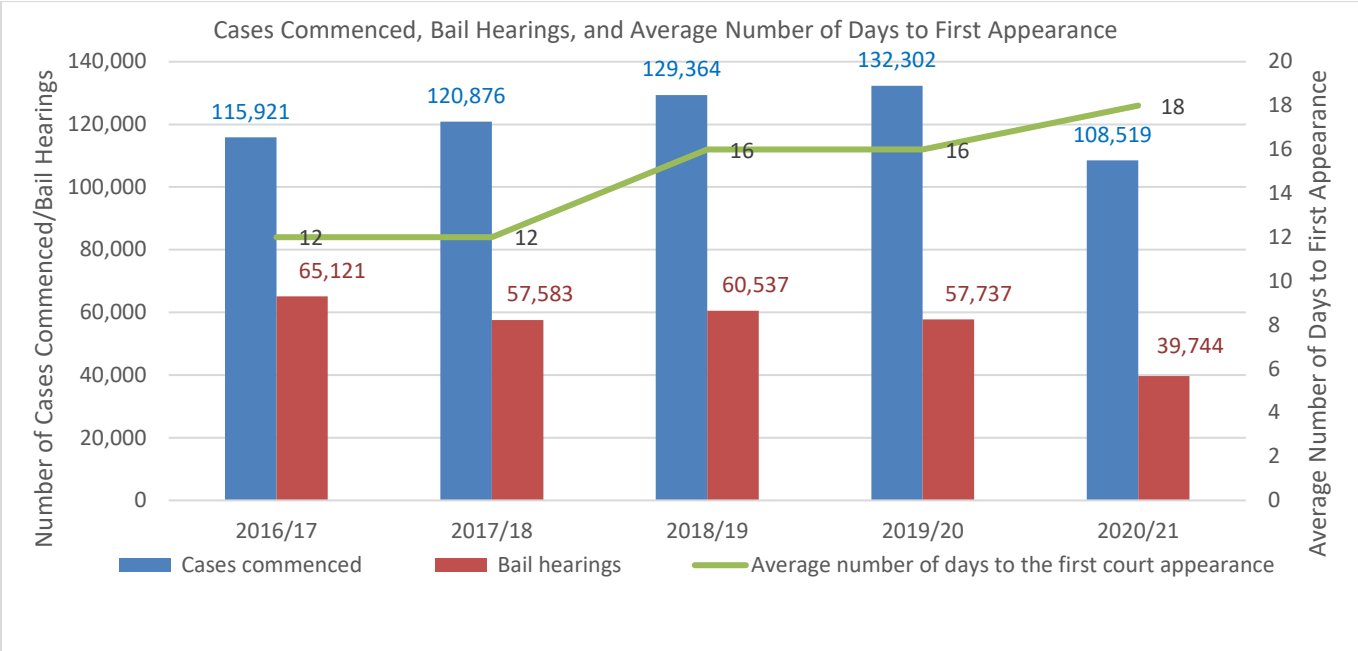
During the time frame covered by this report, some very significant events occurred. First, Bill C-75 received Royal Assent on June 21, 2019, and came into force in three stages ending on December 18, 2019. That legislative change had a dramatic impact on the scope of the jurisdiction of the Court in the *Criminal Code*, with that impact manifest throughout 2020 and beyond. Some of the changes included modernization and clarification of interim release provisions which dramatically enhanced the ability for police officers to release individuals rather than holding them in custody for a bail hearing. Bill C-75 also created judicial referral hearings for administration of justice offences, significantly reduced the number of offenses eligible for preliminary inquiries, hybridized most indictable offenses and increased the default maximum penalty for summary conviction offences, and re-enacted the victim fine surcharge with discretion in cases of undue hardship. Second, the impact of the COVID-19 pandemic and the resulting public health orders dramatically reduced the capacity of the Court. Finally, new legislation governing impaired driving offences via the *Provincial Administrative Penalties Act* took effect on December 1, 2020.

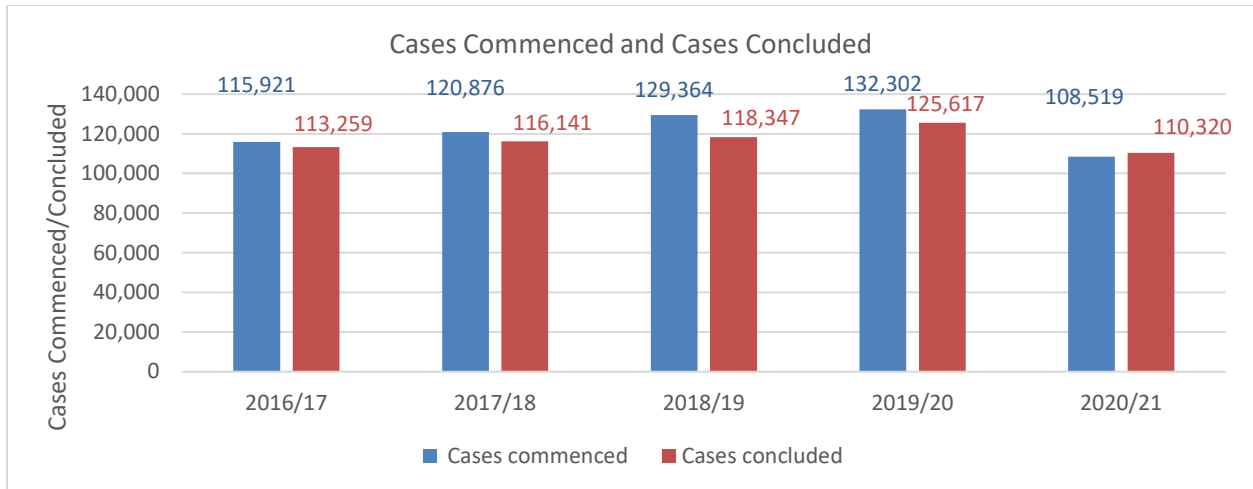
The full impact of these overlapping events introduced some anomalies in the statistics from 2020 and 2021. The full impact of those anomalies may only become apparent when trends are assessed over a longer time frame.

CRIMINAL CASE FLOW STATISTICS



Stage	Description	16/17	17/18	18/19	19/20	20/21
1. Arrest	Number of cases commenced	115,921	120,876	129,364	132,302	108,519
2. Bail Hearing	Number of bail hearings	65,121	57,583	60,537	57,737	39,744
3. First Court Appearance	Average number of days to the first court appearance	12	12	16	16	18
4. Pre-Trial Appearances	Average number of appearances prior to setting a trial date	4.7	4.8	5.1	5.4	6.4
	Number of cases resolved prior to setting a trial date.	82,540	86,191	85,454	89,967	84,337
	Percentage of cases resolved prior to setting a trial date	72.9%	74.2%	66.1%	68.0%	77.7%
	Average number of days for cases resolved prior to setting a trial date	165	157	141	145	146
5. Trial Date Set	Number of trials scheduled	30,719	39,950	33,314	35,006	34,408
	Average number days to the setting of the trial date	152	148	207	225	273
6. Trial Preparation	Number of cases resolved after trial date set and prior to the trial.	26,227	25,937	28,561	30,866	23,088
	Percentage of cases resolved after trial date set and prior to trial	85.4%	86.6%	87.5%	88.2%	67.1%
7. Trial	Number of trials heard	5,446	5,105	4,890	4,784	2,884
	Percentage of cases commenced where a trial is conducted	4.8%	4.4%	4.2%	3.6%	2.7%
	Average number of days to trial date.	374	404	219	246	309
	Average number of appearances for cases where a trial is held	6.8	6.8	7.0	7.2	8.7
8. Case Concluded	Number of cases concluded	113,259	116,141	118,347	125,617	110,320
	Change in the total inventory in the court system	+ 2,662	+ 4,735	+ 11,017	+ 6,685	- 1,801
	Clearance rate — Cases concluded as a percentage of cases commenced	97.7%	96.1%	91.5%	94.9%	101.7%





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 conducts a lengthy review of the evidence heard, and issues a report that may make recommendations as to how to prevent similar deaths. An inquiry does not make a finding of legal responsibility. In the two years covered by this report, a total of 26 fatality inquiries were heard. A list of fatality inquiry reports can be found on the Government of Alberta website.

There are four aspects to the 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 if so, whether the child ought to be placed into care. 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 adoption, divorce or property rights claims arising from a breakdown of a marriage relationship — those matters are heard by the Court of Queen's Bench.

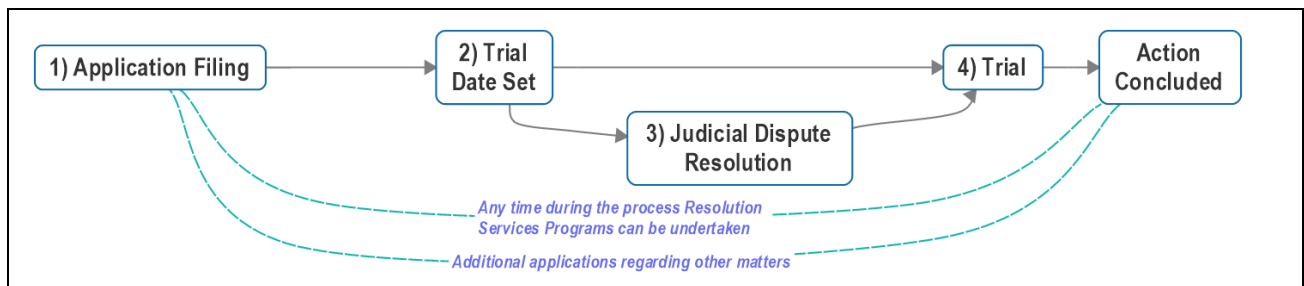
Youth justice matters

The *Youth Criminal Justice Act (YCJA)* applies to all youth between the ages of 11 and 18. The *YCJA* mandates that these cases are heard in Provincial Court except for several serious criminal offences where the young person can elect to be tried in the Court of Queen's Bench. In such cases, Provincial Court Judges hear bail applications and preliminary inquiries. Youth Court criminal trials follow the same general procedures as adult court. The *YCJA* provides for sentencing premised on the principles of holding young persons accountable while promoting their rehabilitation and reintegration. This 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.

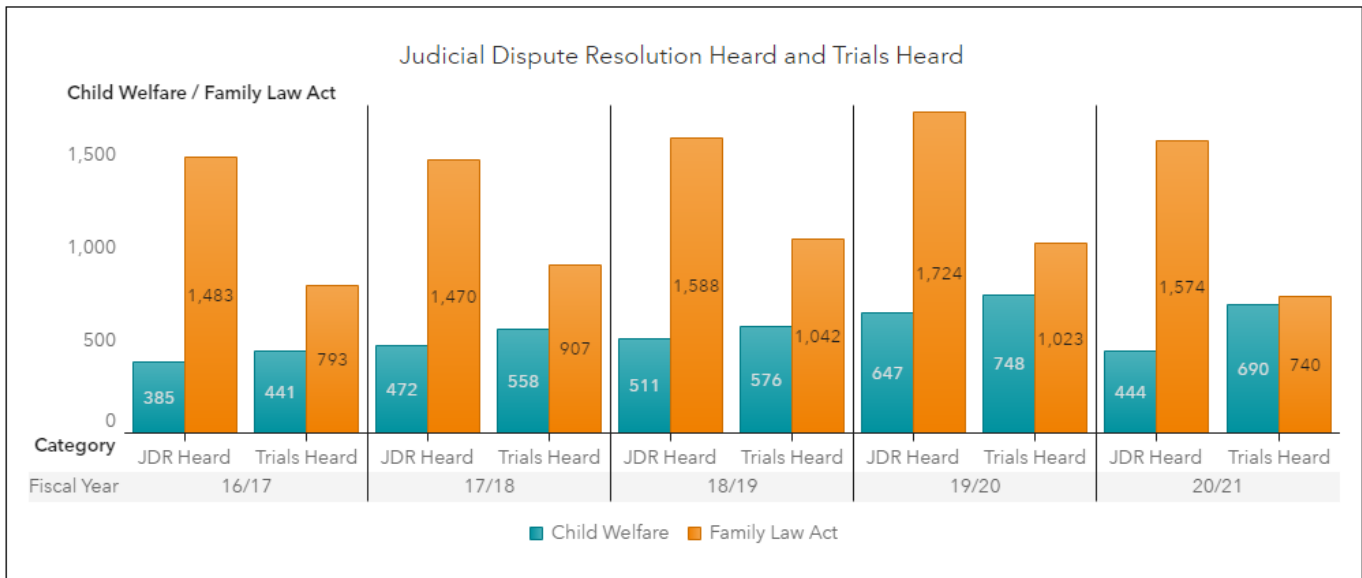
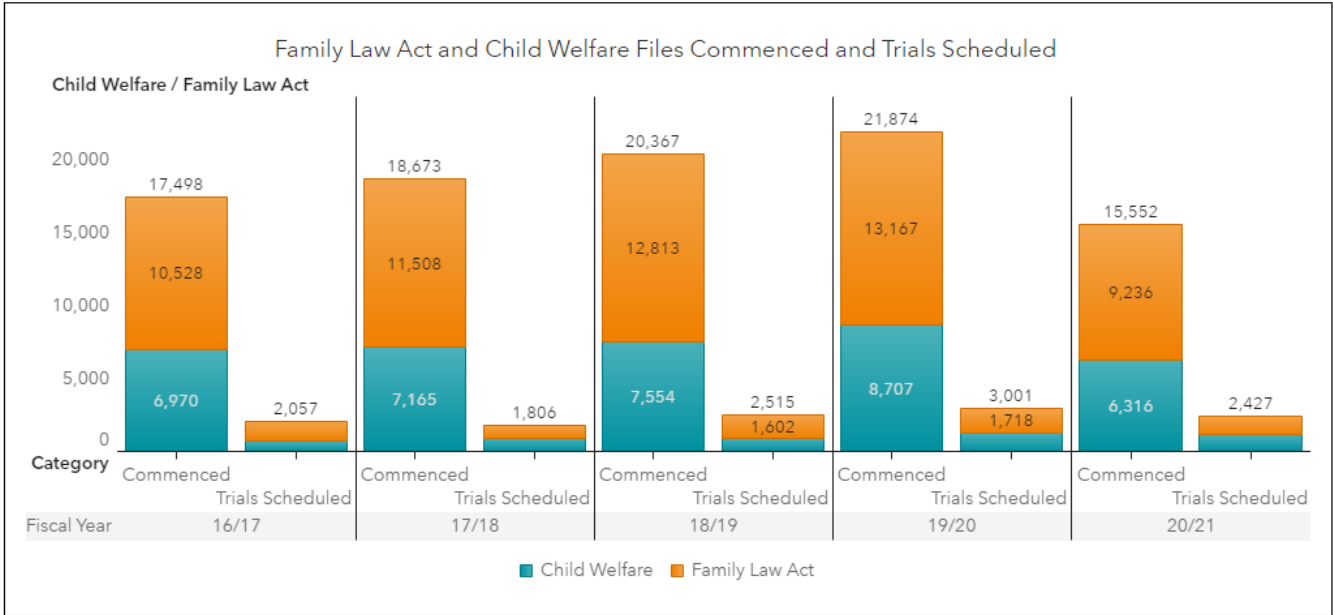
Miscellaneous provincial statutes

The Division has exclusive jurisdiction to issue protection orders under the recently-enacted *Protecting Survivors of Human Trafficking Act*, and warrants to apprehend persons suffering from mental disorders under the *Mental Health Act*. 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. In addition, Judges grant emergency protection orders under the *Protection Against Family Violence Act*.

FAMILY CASE FLOW STATISTICS

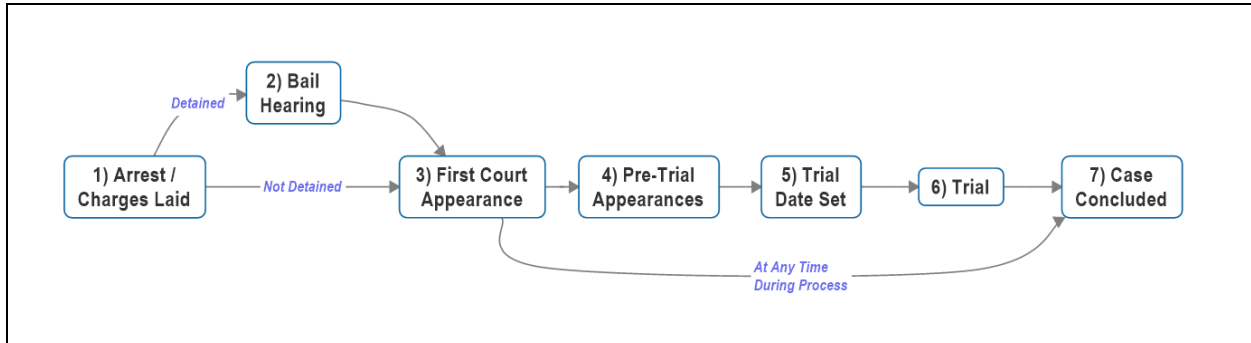


Stage	Description	16/17	17/18	18/19	19/20	20/21
1. Application Filing	Number of actions commenced <ul style="list-style-type: none"> Family Law Act Child Welfare 	10,528	11,508	12,813	13,167	9,236
		6,970	7,165	7,554	8,707	6,316
2. Trial Set	Number of trial dates set <ul style="list-style-type: none"> Family Law Act Child Welfare 	1,303	907	1,602	1,718	1,235
		754	899	913	1,283	1,192
3. Judicial Dispute Resolution	Number of actions resolved through Judicial resolutions <ul style="list-style-type: none"> Family Law Act Child Welfare 	1,483	1,470	1,588	1,724	1,574
		385	472	511	647	444
4. Trial	Number of trials conducted <ul style="list-style-type: none"> Family Law Act Child Welfare 	793	907	1,042	1,023	740
		441	558	576	748	690

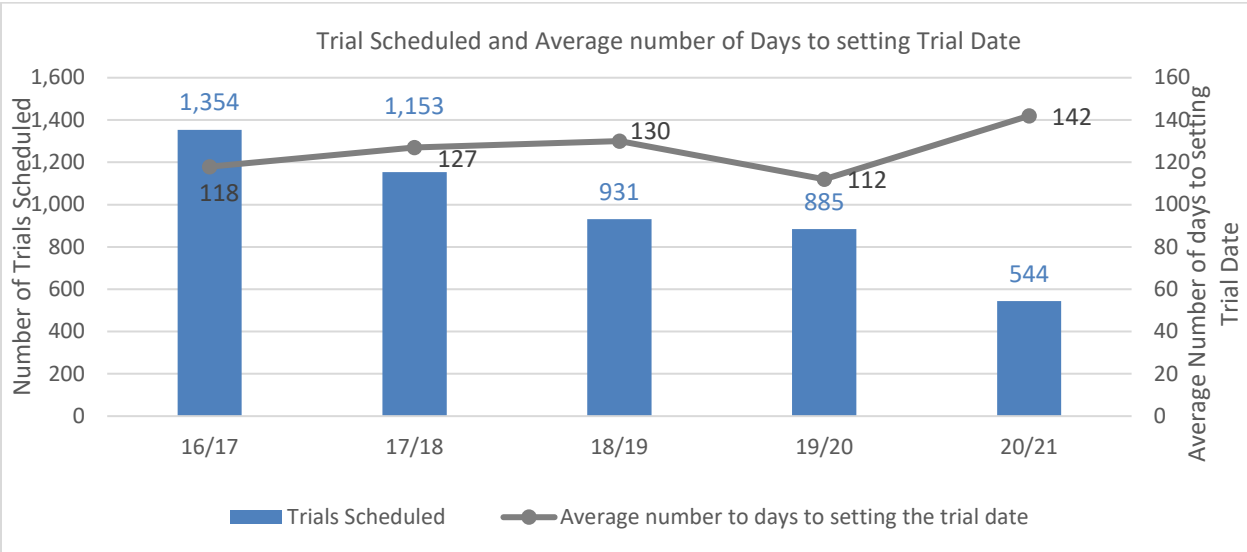
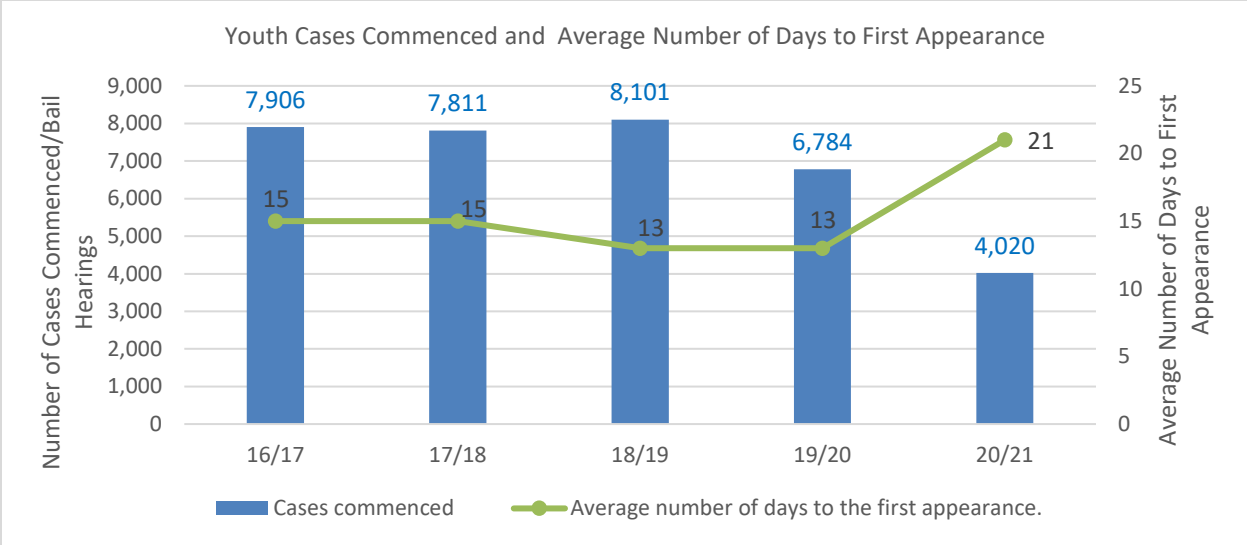


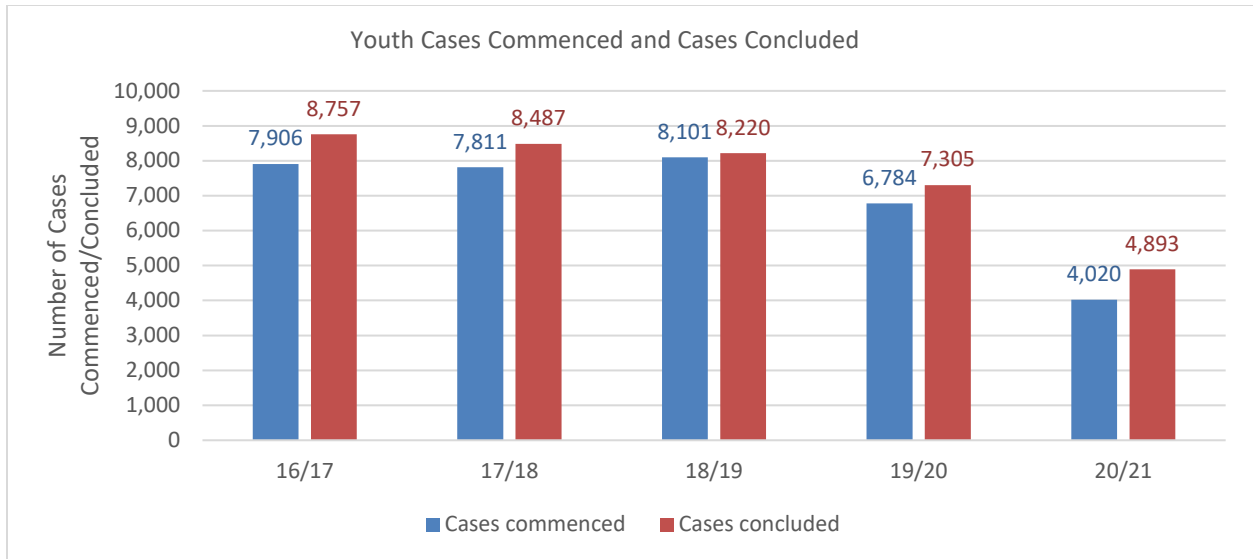
The reason for the decrease in the number of Family Law filings in 2020–2021 was due to the court restricting filings to urgent matters, due to the COVID-19 pandemic. Remote technology permitted the Court to conduct Judicial Dispute Resolutions even when many other matters were adjourned by necessity. Again, it is expected that the numbers will increase as safe access becomes available.

YOUTH CASE FLOW STATISTICS



Stage	Description	16/17	17/18	18/19	19/20	20/21
1. Arrest	Number of cases commenced	7,906	7,811	8,101	6,784	4,020
2. Bail Hearing	Number of bail hearings or first appearances in-front of a JP at the hearing office	Not Available	1,736	2,378	Not Available	Not Available
3. First Court Appearance	Average number of days to the first appearance.	15	15	13	13	21
4. Pre-Trial Appearances	Average number of appearances prior to setting the trial date	6.1	5.9	6.1	6.9	7.3
	Number of cases resolved without a trial date being set	7,403	7,239	7,339	6,658	4,129
	Percentage of cases resolved without a trial date being set	93.6%	92.7%	90.1%	98.1%	102.7%
	Average number of days when the case is resolved prior to setting a trial date	103	99	110	112	115
5. Trial Date Set	Trials Scheduled	1,354	1,153	931	885	544
	Average number to days to setting the trial date	118	127	130	112	142
6. Trial	Number of trials heard	233	183	161	141	89
	Average number of days to the trial date	245	255	268	250	286
7. Case Concluded	Total cases concluded	8,757	8,487	8,220	7,305	4,893
	Clearance rate – Cases concluded as a percentage of cases commenced	115.1%	108.7%	101.5%	107.7%	121.7%





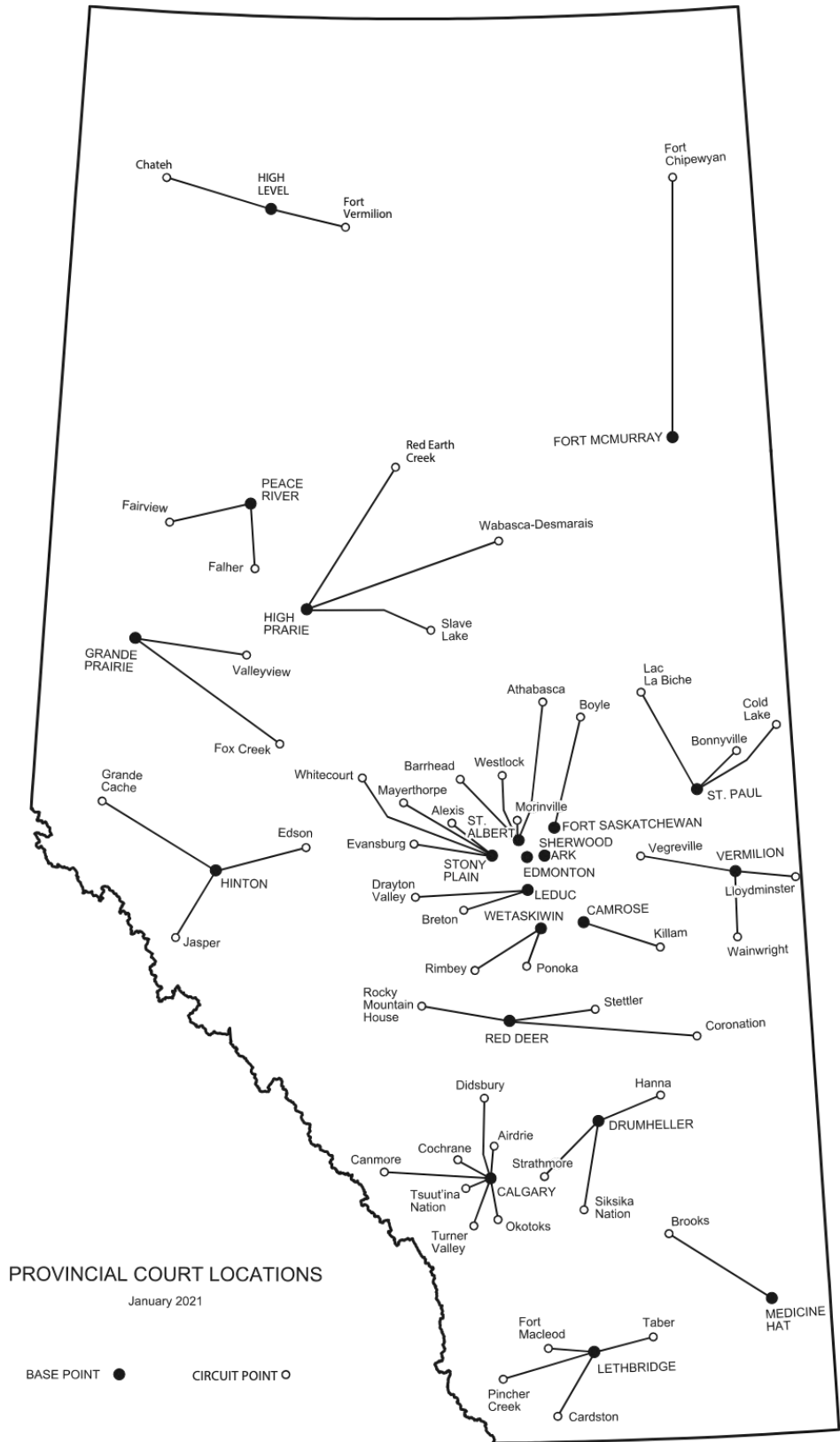
As with the other divisions, the number of Youth Cases that could proceed, particularly in 2020–2021, was impacted by safety restrictions and presumptive adjournments.

REGIONAL COURTS

The Court sits in 73 locations throughout the Province. Outside of Edmonton and Calgary, the Court is divided geographically into regions:

- Northern Region
- Southern Region
- Central Region
- Calgary Regional
- Edmonton Regional

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). The attached map shows the various regions, including the Court's base and circuit points.



PROVINCIAL COURT LOCATIONS
January 2021

BASE POINT ● CIRCUIT POINT ○

Provincial Court Base & Circuit Points

	Base Point	Circuit Point
Northern Region		
	Grande Prairie	Fox Creek Valleyview
	High Level	Chateh Fort Vermilion
	High Prairie	Red Earth Creek Slave Lake Wabasca-Desmarais
	Peace River	Fairview Falher
Central Region		
	Red Deer	Coronation Rocky Mountain House Stettler Baymont Inn & Suites (Traffic only)
	Camrose	Killam
	Wetaskiwin	Ponoka Rimbey
Southern Region		
	Lethbridge	Cardston Fort Macleod Pincher Creek Taber
	Medicine Hat	Brooks
Calgary Criminal & Regional	Calgary	Airdrie Canmore Cochrane Didsbury

Provincial Court Base & Circuit Points

	Base Point	Circuit Point
		Okotoks
		Tsuu T'ina Nation
		Turner Valley
	Drumheller	Hanna
		Siksika Nation
		Strathmore
Edmonton Criminal & Region	Edmonton	
	Fort McMurray	Fort Chipewyan
	Fort Saskatchewan	Boyle
	Hinton	Edson
		Grande Cache
		Jasper
	Leduc	Breton
		Drayton valley
	St. Albert	Athabasca
		Barrhead
		Morinville
		Westlock
	St. Paul	Bonnyville
		Cold Lake
		Lac La Biche
	Sherwood Park	
	Stony Plain	Evansburg
		Alexis
		Mayerthorpe
		Whitecourt
	Vermilion	Lloydminster
		Vegreville
		Wainwright

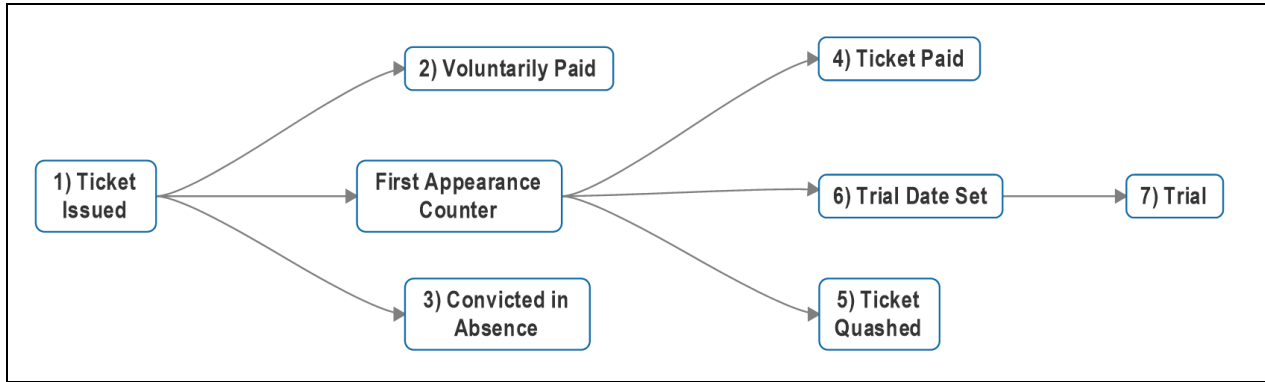
TRAFFIC COURT

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:

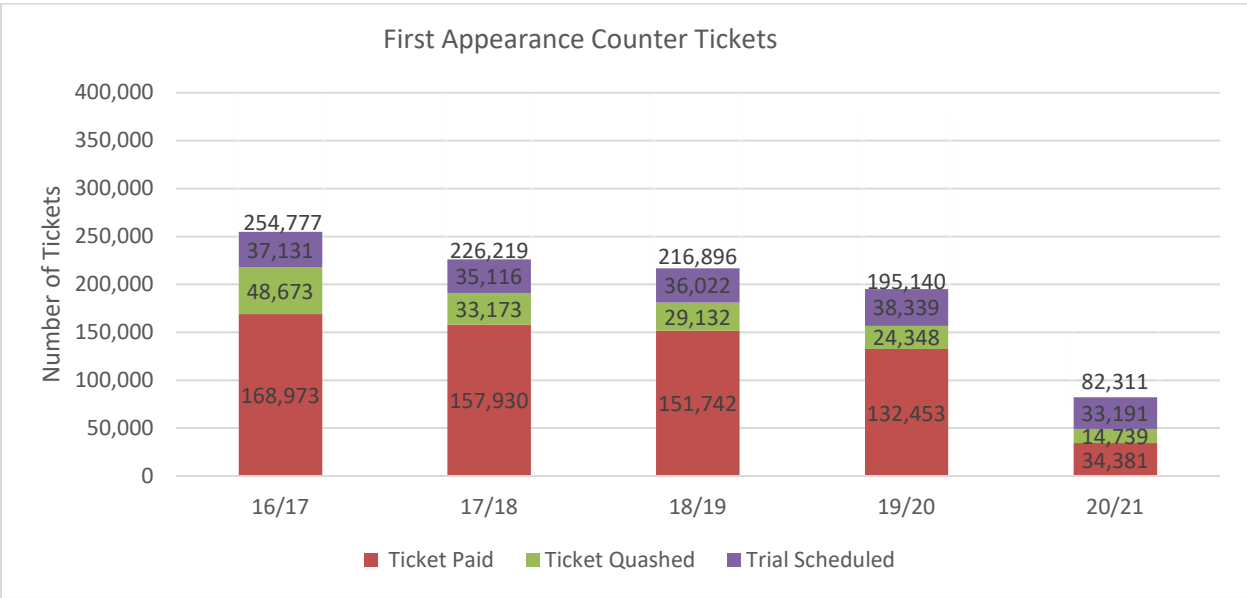
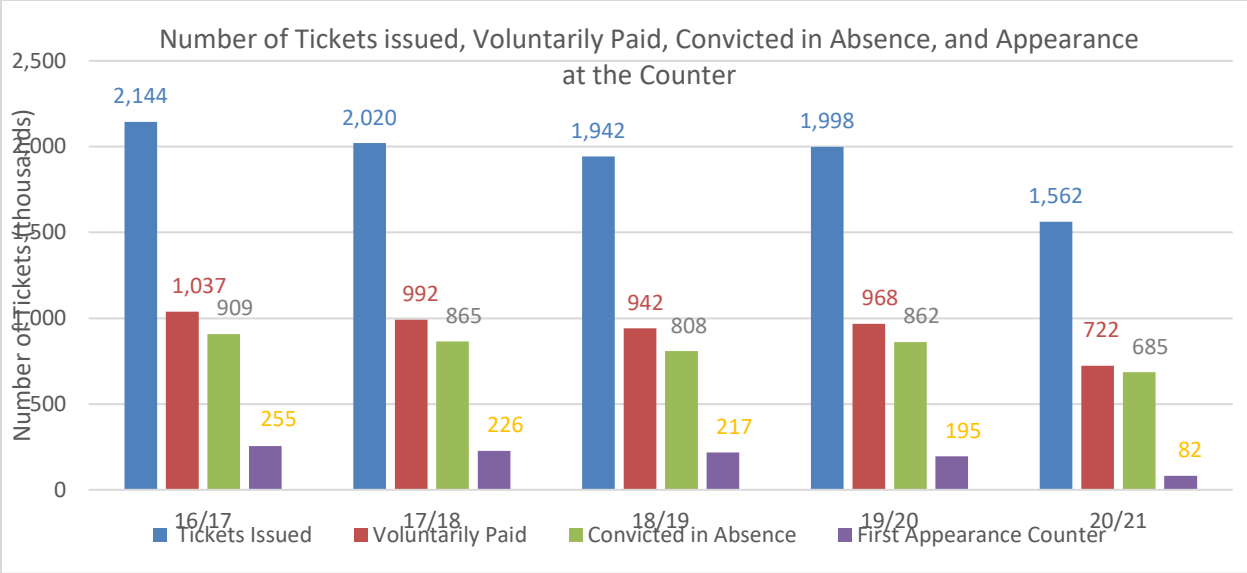


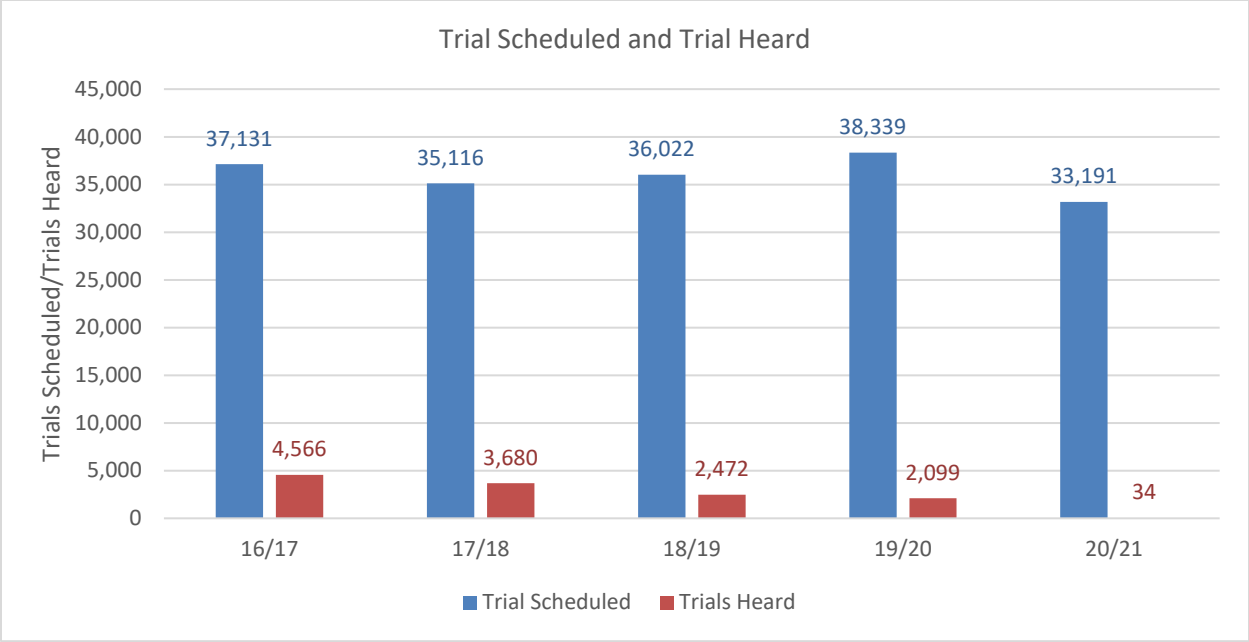
- any proceeding that involves the death of an individual;
- any proceeding that involves the determination of whether any Charter rights have been infringed or denied;
- any issue relating to the constitutional validity of any law; or
- any proceeding that involves a determination of any aboriginal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

TRAFFIC CASE FLOW STATISTICS



Stage	Description	16/17	17/18	18/19	19/20	20/21
1. Tickets Issued	Number of tickets issued	2,144,270	2,020,452	1,941,982	1,998,082	1,561,598
2. Voluntarily Paid	Number of tickets paid without appearing at the counter	1,037,363	991,851	941,748	968,298	722,302
	Percentage paid without appearance	48.4%	49.1%	48.5%	48.5%	46.3%
3. Convicted in Absence	Number of individuals not appearing by the day specified and found guilty in absence	908,589	864,943	807,988	861,695	685,156
	Percentage of tickets issued	42.4%	42.8%	43.9%	43.1%	43.9%
4. Ticket Paid	Number of tickets paid during counter appearance	168,973	157,930	151,742	132,453	34,381
	Percentage paid at counter	7.9%	7.8%	7.8%	6.6%	2.2%
5. Ticket Quashed	Number of quashed tickets based on further information presented	48,673	33,173	29,132	24,348	14,739
6. 38,339 Trial Date Set	Number of traffic trial dates set	37,131	35,116	36,022	38,339	33,191
7. Trials Heard	Number of trials held	4,566	3,680	2,472	2,099	34
	Percentage of traffic trials heard	12.3%	11.3%	6.9%	5.5%	0.1%





The Traffic Division was particularly impacted by the pandemic, as its operations were closed down altogether on March 17, 2020. While Traffic Court began to resume in June, 2021, there is a substantial backlog of cases to be cleared, which are currently being scheduled into 2023.

STRATEGIC PLAN 2018–2021

The Provincial Court has recognized the importance of strategic planning, which provides a roadmap for making decisions, directing activities, and focusing resources. The 2018–2021 Strategic Plan saw the Court identify the following as key areas of focus:



- 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.

COVID-19

2020 was a year of turmoil and quick adjustments. During the COVID-19 pandemic, the top priority of the Court has been to maintain reasonable access to justice and provide the Court's essential services, while at the same time maintaining the health and safety of staff, the judiciary, and the general public.

COVID-19 RESPONSE

PANDEMIC PLAN

On March 16, 2020, the Court adopted and published the Provincial Court of Alberta Pandemic Plan COVID-19 (“Pandemic Plan”) and the COVID-19 Pandemic Planning for the Scheduling of Matters (“Scheduling Plan”).

The Pandemic Plan recognized the need to quickly and significantly reduce Court

operations in response to health crises. It is an overarching strategic document that defines essential functions and establishes five stages of Court operational reductions, correlating to the risk of community transmission of viruses or bacteria. The stages of the Plan can be implemented as needed by location. The Plan was adopted as a Rule of Court and is available from the Provincial Court website: [Pandemic Plan](#).



MEASURES ADOPTED BY THE COURT

Although the Court did not close during the pandemic, it did significantly scale back its operations, including the closure of circuit points.

The initial Court restrictions spanned from **March 17, 2020 to May 22, 2020** and contemplated a staged resumption of Court operations as permissible. All matters were presumptively adjourned for a period of 10 weeks, except for in-custody criminal matters or matters deemed to be urgent. Courthouse access was restricted to those participating directly in hearings. Case Management Offices (CMO) and Traffic counters closed for in-person services, and parties were encouraged to file by fax, email or dropbox whenever possible. Albertans were given a variety

of options to set trials, adjourn matters, and make payment arrangements. The Court also accepted applications for fine payment extensions via mail, email, fax, or telephone.

During the months following the implementation of restrictions, the Court continued to revise its operations in accordance with the

health measures recommended by Alberta Health Services. The Court underwent the following resumption stages:



- **May 22 to July 6, 2020:** in-custody criminal matters and urgent family and child protection matters continued, either in-person following distancing and mask requirements, or remotely when possible. Guidelines issued in April permitted the Court to commence remote hearings for out-of-custody criminal matters and for family and child protection applications that would not otherwise have been considered urgent. Civil matters began to proceed by phone or video conference. Traffic matters resumed remotely. The different Regions and Divisions of the Court prepared detailed protocols for the resumption of matters. In the meantime, all courtrooms were reconfigured with Plexiglas barriers, distancing measures, and capacity limits.
- **July 7, 2020:** presumptive adjournments stopped and the Court increased the number of criminal, family and youth, and civil matters that could be heard in-person at base point locations. In matters scheduled at a Case Management Office or in a docket court, counsel and self-represented litigants started appearing remotely according to the [Case Management Office and Out-of-Custody Docket Court Resumption Protocol](#). Circuit locations and in-person Traffic Court remained closed. Most pre-trial procedures,

including dockets, and some Traffic Court applications continued remotely. Each region and division posted specific protocols for its resumption activities.

- **September 8, 2020:** circuit locations gradually reopened for in-person and remote hearings. Traffic Court reopened for in-person trials.
- **December 2020:** The Court scaled back its reopening plan due to the second wave of the pandemic. Circuit courts, Case Management Offices and Traffic Court closed again and matters were rescheduled as required. Pre-trial procedures continued remotely and essential in-person trials continued with physical precautions.
- Starting in **March 2021**, low-complexity out-of-custody trials and traffic trials resumed, but as of March 17, as a result of increasing numbers of infections, the Court returned to the measures established in December.

COMMUNICATIONS

The Court's webpage became the primary vehicle of communication about the changes and updates. The Chief Judge and the Deputy Chief Judge also participated in conversations with the Bar and the media to explain the new procedures. The Court also received assistance from the Canadian Bar Association (Alberta) and Law Society of Alberta, who communicated Court announcements to their membership.

[COVID-19 Communications Issued](#)

ADAPTATIONS – PROCESSES, PHYSICAL SPACE, TECHNOLOGY

During the first weeks of restricting operations, the Court underwent a fundamental change to many of its processes, as well as a deep technological transformation. Physically, all courtrooms were protected with Plexiglas, reconfigured to encourage physical distancing, and had capacity limits implemented. The Court was simultaneously propelled into the world of virtual hearings. From the onset of the pandemic, Judges and clerks experimented with different methods for virtual appearances. For years, the Court had employed video-conferencing technology to communicate with correctional centres, and first-instance bail was already conducted virtually

in most Hearing Offices. When the pandemic arrived, the Court started testing different platforms and procedures that would allow it to resume its functions as soon as possible and continue to provide access to justice, while fulfilling its legislative obligations to maintain a record. Initially many matters were conducted by telephone. Soon, the Court started piloting the use of the Webex and Zoom platforms to allow for more types of court appearances to be conducted remotely. The rollout of this technology was done in stages and at present most pre-trial procedures continue to be conducted in this manner. The Court also issued a [Conduct Guide for Remote Appearances](#) to establish guidelines of conduct to participants in remote hearings.

Throughout the pandemic, in-person access to the courts was limited to participants in the proceedings. To encourage transparency and openness, members of accredited media were still able to attend, either in person (capacity permitting), or virtually. By the Fall of 2020, the Judges, staff, and counsel had largely adjusted to remote procedures, and the Court's technological capability had improved. A survey circulated to members of the legal community in January 2021, indicated widespread acceptance of virtual hearings.

LEADERSHIP TRANSITION

The Court experienced two significant changes to its leadership team in 2020.

In August 2020, Chief Judge Terrence Matchett's seven-year term as the Chief Judge of the Provincial Court concluded. In normal times, his term would have concluded in May 2020.

However, the Province was in the midst of the first wave of the pandemic and the Court was



adapting to new restrictions, while still ensuring justice would be delivered to Albertans. The Court was extremely fortunate that Chief Judge Matchett agreed to extend his term of leadership during this challenging time. His service to the Court cannot be overstated, and his time at the helm allowed the Court to focus on adapting to a constantly changing landscape, without also trying to navigate a change of internal leadership. Chief Judge Matchett has returned to sitting in the Edmonton Criminal Division, where he served prior to his appointment as Chief Judge.

In January 2021, Deputy Chief Judge Lillian McLellan also concluded her seven-year term.

During her tenure, she was instrumental in bringing many key Court initiatives into being,

including a significant upgrade to the Court's internal education resources; leading the Bail Project that resulted in transferring responsibility for conducting first appearance judicial interim hearings (bail hearings) at the Hearing Offices in Alberta from law enforcement agencies to Crown Prosecutors; and in assuming responsibility for administering and overseeing the Justices of the Peace. Most recently, she also served as a bridge between the former and incoming Chief Judge,



and her vast knowledge and experience ensured a smooth transition of leadership. Deputy Chief Judge McLellan has returned to sitting in Calgary in the Family and Youth Division.

While Chief Judge Matchett's and Deputy Chief Judge McLellan's time in office concluded during perhaps one of the most challenging periods in the Provincial Court's history, their legacy and the impact of their work most certainly has been transformative. During their tenure, the Court took many steps to adapt the Court's processes and approach to respond to changing societal needs. Chief Judge Matchett spearheaded the first-ever strategic planning process for the Court, and it was under his leadership that the Court approved its first strategic plan. As a part of the strategic planning process, an internal survey of the Court was initiated to identify priorities, goals, strengths and weaknesses that could inform the Court's future plans. Chief Judge Matchett also established the Court's committee governance structure and supported initiatives to better serve the Indigenous community, including the opening of courthouses on reserves and the use of eagle feathers in courtrooms.



During Chief Judge Matchett's tenure, the Provincial Court also branched into specialized courts and established the Drug Treatment Court, the Calgary Indigenous Court, and the Edmonton Mental Health Court. He also implemented the first judicial complement report, establishing a template for the Court to assess and communicate its resource needs so as to allow it to continue to deliver justice to Albertans.

Chief Judge Matchett and Deputy Chief Judge McLellan provided a strong and effective vision for the Court. Through their efforts, Alberta's Provincial Court has become well known as one of the most innovative and progressive courts in the country.

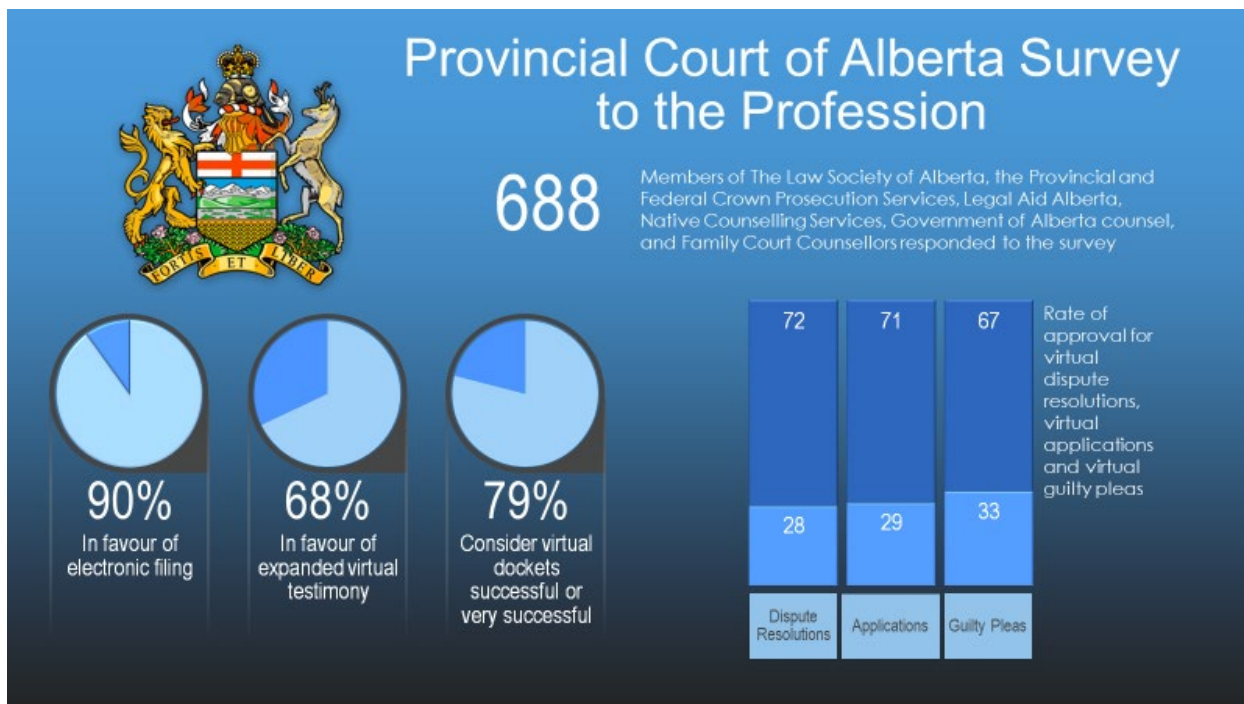
In August 2020, Judge Derek Redman was sworn in as the Chief Judge of the Provincial Court. Chief Judge Redman was first appointed to the bench in 2007, and served as the Assistant Chief Judge for the Southern Region from 2017–2020.

In February 2021, Judge Joanne Durant was appointed Deputy Chief Judge of the Provincial Court. Deputy Chief Judge Durant was first appointed to the bench in 2011, and served as the Assistant Chief Judge for Calgary Criminal and Regional Division from 2017–2021.

COURT SURVEYS AND PLANNING

The Provincial Court of Alberta has put significant effort into developing strategic plans. With the 2018–2021 Strategic Plan expiring on March 31, 2021, the Court actively sought input to develop its 2021–2024 Strategic Plan. Between November 2020 and February 2021, the Court conducted two surveys. The first was an internal survey, which provided feedback from all Judges and Justices of the Peace regarding the Court’s operations and supports. One key theme that emerged from the responses was that in order to function more effectively and efficiently, the Court required additional resources to digitize processes, provide remote services, increase the effectiveness of case management, and provide supports to Judges and Justices of the Peace.

The second survey conducted was external, and was distributed to members of The Law Society of Alberta, the Provincial and Federal Crown Prosecution Services, Legal Aid Alberta, Native Counselling Services, Government of Alberta counsel, and Family Court Counsellors. 688 participants responded to that survey. When asked what they saw as the greatest challenges facing The Provincial Court the respondents identified caseloads, lead times, and the lack of technology.



In both surveys the respondents expressed widespread support for virtual appearances and processes. The Court will continue to assess and respond to the survey results not only for the strategic planning process, but also for its day-to-day operations.

COURT COMMITTEES – REFRESHED AND REIMAGINED

In the Fall of 2020, the Court undertook a review of its Committee structure. The Court committees now include a Case Flow Management Committee in each of the Civil, Criminal and Family, Youth and Child Protection Divisions. In addition, the Court has standing committees on Education, Technology and Indigenous Justice.

The terms of reference for each Committee were examined and where appropriate, amended, and many new Committee members were recruited.

All Committees meet at least four times a year and collectively their work is critical to the ongoing operation of the Court.

Committee Chair: Deputy Chief Judge

Durant

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

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



CRIMINAL RULES OF COURT

In 2019, following extensive consultation with the bench and bar, the Criminal Case Flow Management Committee completed a 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. Although the Criminal Rules and Forms have received final approvals, the pandemic necessitated a postponement of their implementation. They came into force on September 1, 2021.

INDIGENOUS JUSTICE COMMITTEE

Committee Chair: Chief Judge Redman



The Chief and Council recognize the importance of responding to the Truth and Reconciliation Commission (TRC) of Canada's Calls 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.

The work of the Indigenous Justice Committee involves considering and responding to the issues facing Indigenous persons who interact with the Court: this involves both an educational component and an action component.

JUDICIAL EDUCATION COMMITTEE

Committee Chair: Deputy Chief Judge Durant

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 Education Committees of the Alberta Provincial Judges' Association (APJA) and the Society of Justices of the Peace of Alberta (SPJA) to identify goals, topics and resources for education programs at APJA and SJPJA conferences, and to identify and deliver other educational opportunities and programs for the Court.

FAMILY, YOUTH AND CHILD PROTECTION CASE FLOW COMMITTEE

Committee Chair: Assistant Chief Judge Cornfield

The mandate of the Committee is to consider and recommend ways to deliver justice on a fair, accessible and timely basis in the area of family, youth and child protection law.

The goals of the Committee are to promote and facilitate the effective and just resolution of family, youth and child protection matters and to support judicial competence through judicial training and education.

TECHNOLOGY AND WEB COMMITTEE

Committee Chair: Assistant Chief Judge Bodnarek

The mandate of the Committee is to support, improve and enhance technology, website communications, and security of Judicial and Court Information in electronic format. It guides the strategy of the Court in the use of technology in judicial operations; the content and changes to the Court's external and internal websites; and in enriching judicial awareness and knowledge of technology.

CIVIL CASE FLOW COMMITTEE

Committee Chair: Assistant Chief Judge Sharek

The mandate of the Committee is to address lead times for trials; ensure that alternate dispute resolution processes are utilized; and to oversee the operation of civil claims in Alberta. The composition of this Committee ensures that there is input from all levels of administration including clerical, case coordination, resolution dispute and judicial, and is assisted considerably by detailed statistical information generated regarding all components and steps in the civil litigation process.

CIVIL CLAIMS INITIATIVES

Civil Claims Review and Civil Claims Implementation Projects

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 on the streamlining of its procedures, 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, and to facilitate a prompt resolution to all civil disputes.

Civil Reform Working Group

A Civil Reform Working Group was established in 2020 which made several recommendations to further improve the civil claims process in Alberta. The recommendations contemplated two phases of civil reform:

- Phase 1: this would include implementation of a web-based interrogative framework to guide a user toward specific information resources, including issue identification and tools to assist with possible resolution before entering into litigation. Phase 1 also recommends implementing electronic filing processes for documents used for navigating the civil claims litigation process.

- Phase 2: this recommends an increase to the financial limits of the Provincial Court to \$100,000; enhanced mediation and dispute resolution processes, and introduction of case-readiness resources.

The Civil Reform Working Group recommended immediate implementation of the recommendations contained in Phase 1, and continued review and assessment of those contained in Phase 2. All recommendations are presently being considered by the Minister of Justice.

Pre-trial Resolution

The Court now uses three pre-trial dispute resolution mechanisms: mediation, judicial pre-trial conferences, and judicial dispute resolution (JDR).

Due to a reduction in resources, mediation processes in the regional court districts in Alberta were eliminated in the fall of 2020. Hence, civil mediations are now conducted only in Edmonton and Calgary. It is anticipated that elimination of the mediation programs in the regional districts will result in fewer pre-trial settlements, resulting in a need for Judges to conduct more pre-trial conferences and more trials. This will in turn be reflected in an increased workload for judicial staff and Judges.

Changes undertaken starting in 2019 culminated in the Civil Division's new case management procedure, which includes plain language directions and significantly greater guidance about civil court practice and process. Judges hearing civil matters may now employ two additional 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.

These new processes are intended to allow matters to be resolved more promptly.

Remote Appearances

Since the onset of the COVID-19 pandemic, the Civil Division has begun to deal with more matters remotely, either by Webex, Zoom or telephone. All civil mediations are now conducted by Zoom. As of the end of March 2021, all pre-trial conferences and court applications are being conducted by telephone, and many trials are being conducted by Webex. The Civil Division expects to build on these new initiatives and employ more remote proceedings in the future, which should result in fewer attendances in court being required by parties and legal counsel, and more efficient use of court resources.

NEW COURTHOUSES AND RENOVATIONS

The Court has been a strong proponent of maintaining links to the communities it serves. The Court has worked closely with the Province and numerous other stakeholders to establish new courthouses, and to upgrade existing ones to better serve the public. One cost-effective way in which this work is being done is through the use of modular construction. The framing, drywall, millwork and other components are installed in the plant (Figure 1) versus on site. The modules are then assembled on site. (Figure 2)



Figure 1



Figure 2

Chateh Courthouse

The Chateh Courthouse was built to help improve access to justice for residents of the Dene Tha’ First Nation, on Treaty 8 territory. Modular construction methods were successfully used to build this Courthouse, which was constructed using eight modules. On July 3, 2019, the Provincial Court of Alberta held its first sitting in the new facility.



Alexis Nakota Sioux Courthouse

The Provincial Court has worked 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. This Courthouse, which was also constructed using modules, was opened in the fall of 2020, with a socially-distanced ceremony to mark the occasion.



Red Deer Judicial Centre

The Provincial Court has been involved in a multi-stakeholder project to replace the Red Deer Courthouse, which is currently at full capacity. The new facility will measure 313,200 square feet and include nine stories above grade, with two levels below grade. The modernized courthouse will feature 12 courtrooms, with room for future expansion to 16 courtrooms. Construction on this project began in September 2020, and is expected to be completed by September 2023.



A number of circuit Courthouses in the province have also recently undergone renovations, including:

- **Whitecourt Provincial Court** (completed March 2020)
- **Didsbury Provincial Court** (completed May 2020)
- **Canmore Provincial Court** (completed August 2020)
- **Whitecourt Provincial Court** (completed August 2020)
- **Brooks Courthouse Renovation:** (ongoing with completion anticipated June 2022)

TECHNOLOGY INITIATIVES

The Court has, both on its own accord and in conjunction with other government departments, been able to move a number of technological initiatives forward. While some initiatives were the result of longer-term planning, there is no question that the pandemic prompted creativity and an accelerated schedule for piloting and launching of some of the programs.

Digital Judicial Authorizations: Between April and November, 2020, the Court commenced a pilot project for the use of a Digital Judicial Authorization (DJA) Rule. The DJA Rule was intended to allow electronic delivery and processing of all applications for warrants or orders under the *Criminal Code*.² The pilot project was a success, and the Court has now turned its attention to implementing a province-wide rollout.

Courtroom Digital: The Central Region has been the pilot site for CDS “Courtroom Digital Service”, or “digital docket”. Courtroom Digital supports digital hearings by giving the Court clerk a set of tools for tracking court activities.

² or other statutes incorporating the provisions of Part XV of the *Criminal Code*.

This included a move to electronic endorsements for criminal matters. The system has worked very well, having been rolled out in summer 2021 to the Wetaskiwin/Camrose and Central circuit points, with further roll out occurring in the fall of 2021.

Virtual Judicial Dispute Resolution (JDRs): The court held a number of pilot initiatives for JDRs, using virtual tools to allow the Judiciary to meet with counsel and self represented litigants via Webex, Zoom, and at times, by telephone.

This allowed participants to attend remotely, share their video for visual discussion, and use breakout rooms where counsel could meet privately with each other or their client to resolve key issues.

Webex Court Appearances: During the 2020–2021 year the Court introduced virtual court appearances, where individuals could attend court from remote locations. These virtual appearances played an important role in allowing the Court to carry on its day-to-day operations. There was significant uptake of the technology, which was implemented in more than 150 courtrooms across the province. More than 36,000 virtual court hearings and appearances were conducted.

Justice Digital Projects Coordinated with the Court

Traffic Ticket Digital Service (TTDS) - Beginning in March 2021, this service began a staged launch throughout the province. This service will simplify how Albertans manage their traffic tickets through an online platform that provides options to pay fines, request additional time to pay, plead guilty and request a trial date, or dispute the infraction with the Alberta Crown Prosecution Service.

Adjournment Digital Service (ADS) - This new service will enable parties to a court matter to request first appearance adjournments for Provincial Court Criminal Adult cases online. This reduces or eliminates the requirement for counsel and accused persons to attend in-person at courthouses. The first release with a controlled group of users commenced in Lethbridge and Red Deer on March 8, 2021.

INDIGENOUS COURTS

Calgary Indigenous Court

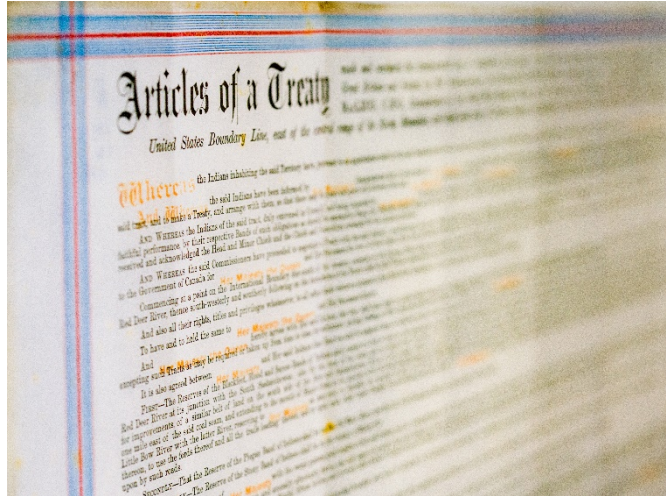


Since opening in 2019, The Calgary Indigenous Court has served 424 Indigenous participants. Currently, there are 153 matters before the court with many of the participants at various stages of their Healing Plan. The Healing Plan represents a restorative justice approach. It is prepared with, and for the benefit of the participant and provides a culturally relevant and holistic path forward as well as developmental

forms of healing to address the unique circumstances of the Indigenous participants. Each participant in the Healing Plan process is supported by a Case Management Table, comprised of various agencies in the City of Calgary who offer resources and services to Indigenous people. The Indigenous participant reports back to the Court on a regular basis to provide an update on the progress they are making with their Healing Plan.

To date, the Court has celebrated blanket ceremonies with six participants, and has seven more participants ready to have a blanket ceremony once COVID-19 restrictions are lifted. A blanket ceremony is an acknowledgment of those participants who have successfully completed their Healing Plan. The Crown, in some cases, has withdrawn charges for those participants who have successfully completed their Healing Plan and who continue to demonstrate their commitment to their Healing Plan into the future.

The Court has had a dedicated Peacemaker since the summer of 2020 who has completed four Peacemaking Circles with the Indigenous participants, and plans are underway to complete more as COVID-19 restrictions are lifted. The Calgary Indigenous Court is currently being evaluated and plans are underway for its model to be implemented in other areas of the province.



Edmonton Indigenous Court Initiative

Edmonton Criminal Division developed a business case recognizing the need for an Indigenous Court in Edmonton. The business case identified a high level of support for such a court by Indigenous community organizations, and proposed a model for Edmonton similar to the Calgary Indigenous Court. Many stakeholders have been collaborating towards the launch of the Edmonton Indigenous Court in early 2022.

Indigenous Peacemaker Program

In addition to the specialized Indigenous Courts, A new Urban Indigenous Peacemaker Program is now offered in Lethbridge and Calgary through Alberta Native Counselling Services. This provides a sentencing alternative for Indigenous accused. The program began receiving intakes in March 2021.

THERAPEUTIC AND 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:

Drug Treatment Court

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

Those interested in participating in the DTC make an 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 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. These Courts began in Edmonton and Calgary, but have since expanded to other communities.

Lethbridge and Medicine Hat: In November, 2020 Lethbridge launched a Drug Treatment Court, followed by a launch in Medicine Hat in January 2021.

Edmonton: Edmonton has doubled its capacity to handle DTC matters by moving from one afternoon per week to two.

Calgary: Calgary has received funding to significantly increase its capacity as well. The Court sits one full day a week and has both a traditional stream of participants as well as an Early Intervention Stream. This second stream is for those who are less entrenched in

the drug and criminal lifestyles but are still facing a significant period of incarceration as a result of drug-driven criminal activity.

Additional locales: Further work on expansion of Drug Treatment Courts is being undertaken for Red Deer, which has issued an RFP with the intent of being operational by the fall of 2021. Work is also being undertaken to expand DTCs to Grande Prairie and Fort McMurray.

Lethbridge Integrated Services Court: In July 2019, the Integrated Services Court began in Lethbridge. It was a treatment court that accommodated the specialized needs of many marginalized groups in the community including Indigenous offenders, those with addictions, and individuals with FASD. It was a collaborative effort involving various community representatives who could provide support and supervision to high-needs, recidivist offenders, which provided an alternative to incarceration. This Court was superseded by the Drug Treatment Courts which came into effect in Lethbridge in November 2020, and in Medicine Hat in January 2021.

Domestic Violence Court: The Domestic Violence Court (DVC) is a specialized court of the Criminal Division currently operating in Calgary, Edmonton, and Grande Prairie. It handles only the criminal aspect of domestic violence matters. All family law matters, such as custody and visitation must still be brought before the Family and Youth 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. It emphasizes the importance of early and effective intervention in abusive situations in order to increase victim safety, and to 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 through earlier treatment/rehabilitation or vigorous prosecution; and
- Prosecute and manage family violence cases more effectively.

Calgary: 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. Notwithstanding the process changes necessitated by the pandemic, Calgary's DVC continues to be effective and efficient. Between April 1, 2020 and March 31, 2021, 2883 new matters entered Calgary's DVC. Of those, 59 per cent were resolved, most before a trial date was set.

Edmonton: Since July 2019, the Court has engaged with those working in the field of family protection litigation, including the Crown, representatives of the defence bar, the police, probation and Legal Aid in an effort to better facilitate the Court's intervention in family protection matters. In early 2020, robust case conferencing initiatives were undertaken, which permit conferencing among various stakeholders on court days. The goal of this conferencing model is to achieve just outcomes in circumstances where information can be shared and considered by participants. The COVID-19 pandemic has posed significant challenges, but our participants have remained committed to meaningful intervention and early outcomes.

Mental Health Court

The Mental Health Court began operating on April 6, 2018 in Edmonton, where it continues to run three days a week. The Court deals with accused persons who are in trouble with the law, in part, because of mental health issues. The Court deals with most of those cases under Part XX.1 of the *Criminal Code* in which the issue of fitness or criminal responsibility of the accused arises before trial.

Mental Health Court also includes a larger, voluntary stream, in which the case must meet certain criteria and the accused must consent to participate. The Court uses a therapeutic

model that involves a collaborative and healing approach. Although the Alberta Crown Prosecution Service has not yet assigned dedicated prosecutors to the Court, there are dedicated Duty Counsel and Legal Aid resource staff, as well as dedicated mental health workers and psychiatrists. The Court also enjoys the support and collaboration of numerous groups and agencies.

Mental Health Court operates as a docket court; it does not deal with trials. It deals primarily with bail, sentencing and, in some cases, is a pathway to diversion, either informally or through the Provincial Mental Health Diversion program, which operates separately. The process in Mental Health Court is slowed down considerably and the focus is on attempting to address the problems that cause the individual's behaviour. The Court always strives for a safe and therapeutic outcome.

In early 2020, numerous steps were taken to create a specific stream for those whose conflict with the law is connected to Fetal Alcohol Spectrum Disorder (FASD). Persons with FASD have always been included in the Mental Health Court, but the volume of persons and the different management resources and practices required for FASD warranted a separate stream. The pandemic interrupted that initiative but it will again be pursued in the fall of 2021.

An interim evaluation of the Mental Health Court was completed in the spring of 2020, but it did not include the qualitative feedback from users, which was planned for a second phase of evaluation. The pandemic has, regrettably, interrupted this second phase as restricted access by the evaluators to the courthouse and to the Edmonton Remand Center has meant that they have been unable to complete the review. It is presently unclear whether funding will permit the evaluation process to be completed as planned.

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, Youth, and Child Protection Case Flow 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. Pre-trial 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.

Due to the COVID-19 pandemic, the Court implemented JDRs using video-conferencing. This has been very successful as it is more convenient for the parties and their lawyers.

The Family, Youth, and Child Protection Case Flow Committee has also developed strategies to support the continuing involvement of Family Court Workers in *Family Law Act* proceedings, given the immense value they bring to the provision of services by the Court to the public in this area.

JUDICIAL EDUCATION

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 [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.



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

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 receive assistance from the Manager of Communications and Judicial Education to establish their personal education plans. The [New Judges Education Plan](#) and the [New Justices of the Peace Education Plan](#) guide Judges and Justices of the Peace in the first five years after appointment. The Court organizes in-house specific programs for new Judges, who also attend two separate week-long external programs specifically designed for them, as well as a week-long external program on evidence. As part of their individual education plans, new Judges are also expected to attend sessions on Indigenous learning and sexual assault law.

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 their 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 Development 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.

COVID-19 AND EDUCATION

The arrival of the pandemic deeply affected the education programming for the Court in 2020 and 2021. During the first few months of the pandemic, many programs were cancelled and the Judges and Justices of the Peace focused their energy on learning to use new virtual technologies for everyday Court procedures.

As the months advanced, some educational programs moved online, but there was a significant loss of external education programs for all Judges, and especially for new Judges. The Court welcomed seven new Judges in April 2020, at a time when all external programs for new Judges had been cancelled. To compensate, the Court created its own “New Appointments Program,” which ran for one full day in June 2020 and required the involvement of close to 20 senior Judges to present a range of short sessions on skills, social context and substantive law.

The Court also organized a virtual one-day “Judging in Your First Three Years” (JYFTY) program, which included presentations by senior Judges on Indigenous learning, best practices in judging sexual assault trials, judicial independence, impartiality and ethics. The APJA and SJPA conferences moved to a virtual environment to ensure continuous education for the judiciary.

EDUCATION PLANS

The Court Education Committee reviews the 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 Court Education Committee is also responsible for the [New Judges Education Plan](#) and the [New Justices of the Peace Education Plan](#), which 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. A Boot Camp for new Judges has been added in the morning prior to the conference, with a focus on mentoring new Judges; offering tips on court management, ethics, judicial skills and evidence.



The Associations held an in-person conference in May of 2019, hosted the Canadian Association of Provincial Court Judges (CAPCJ) conference in October 2019, and held their first virtual conference in October 2020. Some of the topics covered in these conferences

included evidence, peacemaking circles, privacy and access, sexual assault law, new approaches to cannabis in Canada, therapeutic and specialized courts, fetal alcohol spectrum and mental health.

The SJPA held a separate conference at the same time as the CAPCJ conference in May 2019. The May 2020 in-person conference was cancelled due to the pandemic.

IN-HOUSE PROGRAMS FOR NEW JUDGES

The Boot Camp program for newly appointed Judges runs for half a day once or twice a year in association with the conferences. The program is presented by senior Judges of the Court in an effort to share their knowledge and experience.

The Court held a Boot Camp in May of 2019, with a focus on sexual assault judgment writing. The May 2020 Boot Camp was cancelled due to the pandemic, but the Court organized a virtual one-day program for the group of new appointments in June of 2020. This program covered a variety of topics on judicial skills, social context and substantive law.

For the first time, the Court also organized a one-day virtual JYFTY program (Judging in Your First Three Years), which took place in January of 2021. This program will be offered every year and will cover various topics of interest to new Judges.

IN-HOUSE SEMINARS

The Judicial Education Committee organizes full-day in-house programs for Judges and Justices of the Peace. These invaluable programs are cost effective but require determination to coordinate judicial schedules around regular court hours. The Committee offered a Spousal Support Program in March 2019. Due to COVID-19, no other in-house programs were offered in 2020–2021, but there was an increase in virtual Lunch and Learn sessions.

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 and more recently on Webex. In the past two years, these are some of the topics covered in lunch sessions:

- New Criminal Driving Provisions
- Sentence Calculation

- *Gladue* and Bail
- Impaired Driving and License Prohibitions
- Revisiting the *W(D)* Credibility Test
- Youth Pre-trial Detention Hearings and Appropriate Youth Releases
- Bill C-75
- Technology and the Courts
- Mental Health Court
- Credibility of Witnesses
- Peace Bonds
- Excessive Force
- Judicial Notice
- Starting Point Sentencing
- Bail Changes
- Criminal Code s. 276 and s. 278.1 to 278.97 CCC
- COVID-19, Court Delays and *Jordan*
- Incarceration and Race
- Provincial *Administrative Penalties Act*

BENCH BOOKS

Members of the judiciary and legal 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 on the internal Judicial Education Page. The Judicial Education Committee coordinates periodic reviews of the bench books. A completely revised bench book for Justices of the Peace was prepared in 2020.



OTHER EDUCATIONAL ACTIVITIES

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

- Group online programs
- Video recording of sessions for later viewing
- Computer training
- Anti-racism library
- Programs organized by the Court of Queen’s Bench and attended by Provincial Court Judges, including a full-day program on Sexual Assault Trials, a full-day program on Indigenous Justice and an applied theatre workshop on Decolonizing Child Welfare.

JUDICIAL EDUCATION NEWSLETTER AND INTERNAL WEBPAGE



The Manager of Communications and Judicial Education prepares a quarterly Education Newsletter, which includes news about in-house and external education opportunities for the judiciary. The Judicial Education website provides access to the newsletters as well as to bench books, education plans, materials from in-house programs, summaries of Alberta written decisions, and links to conference sites. The Education Page resides in the Courts’ intranet.

Additional information is available in the following document:

- [Professional Development for Provincial Court Judges of Alberta](#)

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.

Our students for part of the 2019 and all of the 2020 clerkship terms were faced with a unique situation in which they were required to conduct a significant part of their articles remotely due to COVID-19 safety protocols. While this certainly made for a different experience, they met the challenges with resilience and completed their terms successfully.

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 courthouse 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 Day was held on April 13, 2019, and a virtual career fair was substituted for Law Day in 2021 due to COVID-19 restrictions. Both events were well attended, and we hope to be able to return to in-person activities for 2022.

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, law students shadow Judges, observe court proceedings and assist with research as requested. The students receive academic credits for completing this course as well as valuable practical experience.

The Court has also been very actively involved in volunteering with the U of C and U of A law schools including sitting as Judges for their competitive moot programs.

INDIGENOUS CAREER DAY

The Provincial Court, together with the Court of Queen’s Bench, hosts an 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.

The events in 2019 and 2020 were held in March, and as is done every year, Judges met

with students in their offices, and welcomed students into their courtrooms to experience firsthand what happens in our Court, and hopefully to spark dreams about what their role in the justice system might be in the future. As with so many events, the pandemic required a change in approach, and in 2021 a virtual format was successfully held, hosting more than 200 students from 23 schools across Treaties 6, 7, and 8.



SCHOOL TOUR PROGRAM

The Court hosts an Edmonton School Legal Education program for Grade 9 students, providing a day-long immersive experience in the legal system and its culture. The 2019–2020 school year was on track to surpass last year’s most successful year with 3,729 students booked on a tour. 2,697 students were able to participate in the program before the temporary suspension of the program was put in place due to COVID-19.

OUTREACH

Judges volunteer their time outside of work both within and outside of the legal community. In 2019, and again in 2020, Provincial Court Judges were key participants, panelists and instructors for the Legal Education Society of Alberta Intensive Trial Advocacy Course, which takes place over a three-week period each January. Each year the final mock trials are presided over by members of the Court at the courthouse on a Saturday. The total time commitment, and number of Judges involved in various aspects of the program are significant. While all aspects of the course were conducted via Zoom in 2020, members of the Court remained actively involved, and participated in every aspect of the program.

Members of the Court also:

- attend local high schools and speak with students about a prospective legal career;
- guide tours of the Calgary Indigenous Courtroom for various school groups;
- 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.

APPENDIX: COMPLAINTS SUMMARY – MARCH 31, 2019 – MARCH 31, 2021

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

MONTH REC'D	COMPLAINT	INVESTIGATION AND DECISION	ACTION
April 2019	The complainant requested that the Chief Judge “correct” the process followed by the Judge.	No misconduct was found on the part of the Judge. The Judge’s decision had been made within the proper scope of authority.	dismissed
April 2019	The complainant objected to a number of rulings the Judge made over the course of the trial, and said the Judge was “openly hostile”.	Legal rulings made during the course of a trial are not subject to a conduct complaint. Regarding the claim of hostility, the transcript demonstrated that the Judge in fact offered the complainant a wide degree of latitude. There was absolutely no support for the allegations.	dismissed
April 2019	The complainant alleged that the Judge behaved rudely, and had not allowed them to express their opinions and concerns.	The digital recordings of the trial were reviewed, and provided no support for the allegations. The Judge made efforts to seek submissions from both parties and behaved with courtesy.	dismissed
April 2019	The complainant claimed that their rights were denied by the Justice of the Peace (JP) and that they were not allowed to speak in Court.	The digital recording indicated that the complainant refused to come forward to speak to his matter when called upon, and instead kept repeating they would not pay their ticket. The matter was set for a trial date and Sheriffs were called to escort the complainant from the courtroom. This was a decision within the authority of the JP to have made.	dismissed
May 2019	The complainant alleged that the Justice of the Peace (JP) advised the entire courtroom that anyone not pleading guilty who did not have the help of a lawyer had no hope in court.	The digital recording indicated that at the outset of proceedings, the JP took time to explain trial procedure to those in attendance. The JP did not state that no one would succeed without a lawyer; rather, they said that many people who attend without counsel are not prepared and are not familiar with the process, which in turn has a negative impact on their chances of success.	dismissed

MONTH REC'D	COMPLAINT	INVESTIGATION AND DECISION	ACTION
June 2019	The complainant alleged that the Judge was biased against them, due to a personal relationship with the other party.	The digital recording indicated the entire appearance took five minutes. The complainant alleged bias and the Judge, while denying any relationship with the other party, nonetheless put the matter over so another Judge could hear it. There was no misconduct.	dismissed
June 2019	A complaint was advanced stating that the Judge had asked whether the Crown was seeking jail time, before the Judge had ruled on the trial.	The transcript indicated that the Judge did not ask whether the Crown was seeking jail time; rather, the Judge had asked whether the matter was a summary conviction matter.	dismissed
June 2019	A complaint was advanced stating that, prior to the conclusion of the trial, the Judge had stated on the record that in the event of a conviction, the accused would not be given jail time. The Judge also was alleged to have asked to speak to the Crown privately after Court, and did not include defence counsel.	The Judge acknowledged that both of these events had occurred. The Judge further acknowledged that although in both instances the conduct was well-intentioned, it was inappropriate.	The Judge was counselled regarding appropriate commentary and conduct.
June 2019	The complaint stated that the Judge made more than one inappropriate comment during the trial, including stating "I don't get paid enough to do this"; and that the Judge tampered with the transcript to remove the statement.	The Judge did make the statement complained of. The statement was reflected in the transcript and there was no evidence to suggest any effort had been made to remove it. The Judge acknowledged and apologized for the inappropriate comment, which had been made during a highly contentious day of trial.	The Judge was counselled regarding appropriate courtroom decorum and the handling of difficult situations.
June 2019	The complaint stated that the Judge directed the clerk to stop recording the proceedings.	The digital recording and transcript indicated that the Judge did not direct that the recording be stopped, but rather inquired as to whether the recording was still on.	dismissed

MONTH REC'D	COMPLAINT	INVESTIGATION AND DECISION	ACTION
July 2019	The complainant alleged that the Judge was rude and impatient.	The digital recordings indicated that the Judge attempted to have the witnesses provide evidence in support of their respective positions. While the Judge's tone was sharp at times, there was no evidence of misconduct.	dismissed
July 2019	The complainant objected to the amount of fine levied; and further claimed that the Justice of the Peace (JP) was rude and treated them poorly.	The decision of the amount of fine to levy is within the jurisdiction of the JP to decide. The digital recordings did not substantiate allegations of rudeness, nor had the complainant been "singled out" as claimed.	dismissed
August 2019	A complaint was raised regarding the conduct of a Judge in relation to the Judge's use of email. The Judge had circulated confidential correspondence from counsel to a number of other members of the legal community.	Counsel had the right to expect confidentiality. The Judge acted contrary to those reasonable expectations.	The Judge apologized to counsel and to those who had received the email. The Judge was reminded of obligations and confidentiality related to court email.
September 2019	The complainant alleged that the Judge had behaved improperly at a pre-trial conference, when advising the complainant that they had no exclusive right to a witness.	It is normal at a pre-trial conference for the Judge to review anticipated evidence, process and procedure, issues, strengths and concerns in relation to the parties' cases. There was nothing improper to advise the complainant that there is no ownership of a witness.	dismissed
October 2019	A complaint was made to the Judicial Council regarding the Chief Judge's decision not to reappoint a retired Judge for a one-year term.	The Judicial Council determined that the retired Judge had received procedural fairness and that there was no basis upon which to overturn the decision of the Chief Judge.	dismissed

MONTH REC'D	COMPLAINT	INVESTIGATION AND DECISION	ACTION
October 2019	The complainant stated that the Judge refused to listen and engaged in "victim blaming".	The transcript and the digital recording indicated that the matter was in a docket court, where lengthy substantive matters are not able to be heard. The Judge did not refuse to listen, but rather attempted to move the file forward. The Judge did nothing that could have been construed as "victim blaming" and neither accepted nor dismissed many of the complainants statements in court. The Judge instead indicated they were issues that would need to be addressed in a hearing, not a docket court.	dismissed
October 2019	The complainant stated that the Justice of the Peace (JP) told the courtroom that if they did not have a lawyer their likelihood of winning was nil; and that if they unsuccessfully ran their matter they would face both a fine and court costs.	The JP acknowledged making statements; but had done so in what they thought was an attempt to assist the gallery.	The JP agreed to avoid making such statements to the gallery in the future.
October 2019	The complainant stated that a Justice of the Peace (JP) had, on a number of occasions, accessed records of an individual who was not appearing before them.	The JP acknowledged they had done so.	The JP received a reprimand.
November 2019	The complainant stated that the JP advised the gallery that they would receive a more satisfactory outcome if they resolved with the Crown; if they ran their trials they would be there for a long time; and if convicted they would receive elevated fines.	The JP acknowledged making the statements; but had done so in what they, in hindsight, considered a misguided attempt to assist the gallery.	The JP agreed to avoid making such statements to the gallery in the future.
December 2019	The complainant stated that the Judge would not listen to them and that the Judge unfairly denied their requests.	The digital recording indicated that the Judge gave the complainant the opportunity to explain their position, and did in fact grant a portion of the complainant's requests.	dismissed
January 2020	The complaint alleged that the Judge yelled at them and badgered them.	The digital recording did not support this allegation. The Judge was courteous and professional at all times.	dismissed

MONTH REC'D	COMPLAINT	INVESTIGATION AND DECISION	ACTION
February 2020	<p>The complaint stated that the Judge demonstrated bias and intolerance, and that the Judge intentionally humiliated them by publicly reading out personal and private information about them from a presentence report.</p>	<p>The Judge's decision was well reasoned and balanced and did not indicate any sign of bias or intolerance against the complainant. The Judge had relied upon the information in order to determine the sentence, and therefore it was not improper to include it as part of the Judge's reasons.</p>	dismissed
March 2020	<p>The complaint was against two Judges. The first was against a Judge who presided over a docket appearance. The complainant said the Judge was dismissive towards them and disregarded their views.</p> <p>The second was against a Judge who presided over a Judicial Dispute Resolution (JDR). The complainant said the Judge used threatening language towards them.</p>	<p>The complainant had been represented by counsel for both appearances complained of.</p> <p>Regarding the docket appearance, the digital recording indicated the Judge was courteous and professional, and gave the complainant the opportunity to state their concerns.</p> <p>Regarding the JDR, although the parties did not reach a resolution, there was no indication that the Judge was in any way threatening towards the complainant.</p>	dismissed
March 2020	<p>The complainant made several allegations relating to a number of separate court matters involving two different Judges.</p> <p>Allegations against the first Judge included claims that the Judge had been screaming verbal abuse, was violent such that the complainant feared for their safety, was insulting, and that the Judge was racist.</p> <p>Allegations against the second Judge did not allow the complainant to speak, and that the complainant was "shouted down".</p>	<p>The transcripts and digital recordings completely contradicted the complainant's account in every way. Neither Judge behaved as alleged. Both Judges were entirely professional.</p>	dismissed

MONTH REC'D	COMPLAINT	INVESTIGATION AND DECISION	ACTION
June 2020	The complainant alleged that the Judge interrupted and yelled at them.	The digital recording indicated that the complainant interrupted the Judge and tried to speak over the Judge. The Judge sharply told the complainant to stop interrupting. The Judge did not yell and remained professional. The Judge was within their authority to have spoken to the complainant as they did.	dismissed
August 2020	The complainant alleged that the Judge was rude, discourteous and biased.	The transcripts and digital recordings were reviewed and indicated that the Judge did behave in an aggressive, rude and discourteous manner.	The Judge apologized to the complainant. The Judge was required to take training regarding appropriate courtroom decorum.
December 2020	The complainant stated that the Judge had been condescending and sarcastic.	The Judge stated that they had not meant to come across that way but offered to apologize.	The Judge apologized to the complainant.
December 2020	The complainant stated that the Justice of the Peace (JP) did not provide them the opportunity to speak, and was disrespectful.	The digital recordings indicated that the JP was respectful and courteous at all times, and did allow the complainant to present their position.	dismissed
January 2021	The complainant claimed that the Judge had a personal animus against them. The complainant said the Judge's tone and manner made them feel they were being threatened with custody.	The digital recordings indicated that the complainant interrupted the Judge several times and raised their voice over the Judge. The Judge responded in a stern tone and told the complainant if they kept interrupting they would find they would not appreciate the consequences. It was appropriate for the Judge to have responded in this way. No threats of custody were uttered.	dismissed
March 2021	The complainant was unhappy that their traffic trial did not go ahead because of COVID-19 restrictions.	The Court has had to adapt to changing circumstances and has posted notices, issued press releases, and updated its website with current information about court closures.	dismissed

