

**STEERING COMMITTEE ON JUSTICE EFFICIENCIES  
AND ACCESS TO THE JUSTICE SYSTEM**

**MODEL GUIDELINES ON JUDICIAL CASE MANAGEMENT IN THE  
CRIMINAL JUSTICE SYSTEM**

**OCTOBER 2016**

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## **1. BACKGROUND**

In the context of discussions on improving the efficiency and fairness of the criminal justice system, the Steering Committee on Justice Efficiencies and Access to the Justice System struck a sub-committee to consider means by which judicial case management could be further implemented to achieve efficient but fair resolution of cases. The Steering Committee acknowledged that while there has been, in the last decade, a growing recognition of the importance of case management in civil cases, this culture change has yet to be widely accepted in the criminal context. Furthermore, although the Steering Committee had previously examined various aspects of case management<sup>1</sup>, these model guidelines are geared toward further informing the judiciary and other participants of the various tools available to assist them in better managing criminal cases.

## **2. GUIDELINES**

### **2.1 Preamble**

**WHEREAS** the fundamental purpose of our criminal justice system is to determine whether an accused presumed innocent is guilty of a criminal offence through a fair and efficient process, thereby contributing to the protection of the public, the preservation of public confidence in the administration of justice and respect for the rule of law,

**WHEREAS** all participants in criminal justice have an obligation to maintain the system's integrity as well as the public's confidence in the legal system by, among other things, assisting the court and ensuring that every step of the process contributes to a just and timely resolution of cases in a manner that is in the best interest of justice including the optimal use of resources,

**WHEREAS** judges are primarily mandated to ensure the proper functioning of the judicial system,

**WHEREAS** all participants recognize that the purpose of case management is to ensure that cases proceed efficiently and fairly and that a culture change is required to allow for the further implementation of case management practices,

**WHEREAS** all participants have a role to play in case management and all benefit from early judicial management of criminal cases, including the identification and adjudication of the principal factual and legal issues in dispute, working with counsel to manage the conduct of proceedings, streamlining processes, facilitating resolution discussions and achieving the earliest and most effective resolution,

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<sup>1</sup> See Report on Guiding Principles for Effective Case Management (2005); Report on Mega-trials (2005) and Report on Early Case Consideration (2006).

Therefore, the judiciary, together with all participants of the criminal justice system, commit themselves to this purpose and acknowledge these model guidelines as one of the tools in fulfilling their respective responsibilities to achieve this purpose.

## **2.2 Goal**

The overarching goal of these guidelines is to ensure a fair, efficient and accessible criminal justice system. These model guidelines aim to highlight the duties and obligations of participants in the criminal justice system, urging them to be more responsible for and accountable in their respective roles. These guidelines seek to provide a framework for the judiciary's role in furthering these objectives by implementing meaningful and focused case management from the beginning of cases through to their resolution. No single set of case management rules or practices are appropriate in all situations or jurisdictions. To be optimally useful, judicial case management must be sufficiently flexible and adaptable to cater to local practices while being predictable for the parties. Judges must convince the parties of the notion of "joint ownership" of the case. They must remind counsel of their obligations as officers of the court and to the administration of justice, and by extension to ensure that court time and resources are used judiciously.

Attached to these guidelines as Annex 1, is a checklist to assist the judiciary in their preparation for pre-trial processes such as the focus hearing before a preliminary inquiry<sup>2</sup>, the pre-hearing conference<sup>3</sup>, where a case management judge is appointed<sup>4</sup>, and Quebec's new case facilitation conference which is an informal flexible event that provides an ideal opportunity to discuss the case in the presence of the judge who facilitates the search for a resolution acceptable to the parties. The checklist will serve as a quick reference guide identifying what judges can expect from counsel at these respective events. Annex 2 is a table of the rules of court, practice directives and protocols also pertaining to these processes.

The issue of the efficient and fair management of criminal matters involves a variety of stakeholders of the justice system; these guidelines may be of interest to a broader audience than the judiciary including, counsel, court administrators, legal aid counsel, and the police community.

## **2.3 Role of the participants in the criminal justice system**

The responsibility of ensuring that criminal proceedings are conducted fairly while making optimal use of resources rests with all its participants including the crown, the defence, court staff as well as the judiciary. Professionalism, integrity and respect are necessary to foster effective working relationships and a community of cooperation which together go far in achieving the common goal of seeing that justice is achieved.<sup>5</sup>

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<sup>2</sup> *Criminal Code*, section 536.4; hotlink to Annex of rules of court.

<sup>3</sup> *Criminal Code*, section 625.1; hotlink to Annex of rules of court.

<sup>4</sup> *Criminal Code*, Part XVIII.1; hotlink to Annex of rules of court.

<sup>5</sup> See for example: [Injecting a Sense of Urgency: A New Approach to Delivering Justice in Serious and Violent Criminal Cases.](#)

### **2.3.1 The Judiciary**

The judiciary must be proactive in assisting counsel to bring cases to completion and lead by example. Greater level of judicial engagement in the early management of cases at the pre-trial phase of proceedings is critical not only to the possible early resolution of matters but also to their overall efficient advancement. It is argued that the time spent by the judiciary at the beginning of the case is time saved as it proceeds through the system. Ultimately, less resources are expended on individual cases. The judiciary must exercise case management powers more frequently, more consistently and more aggressively. At the outset, judges must convey the message that effective case management is a matter of interest to all parties.

Judges must be “pro-mediation” minded and seek to establish a relationship of trust with the parties. The degree or intensity of judicial management must be proportionate to the seriousness of the issues in question, the complexity of the case and how well it is managed by counsel. Active and skilled judicial case management may in some cases refer to a more “hands off” approach where experienced counsel work cooperatively, or a more direct approach due to case complexity, less experienced counsel or other circumstances.

In this vital management role, judges ensure that cases proceed efficiently and fairly. In some instances, the management of cases is governed by legislation and/or rules of court:

- Focus hearings before a preliminary inquiry;
- Pre-hearing conferences;
- Appointment of case management judge;
- Facilitation conference;

Even in the absence of statutory judicial case management authority, under the common law all trial courts have implied powers to control their own process and ensure a fair trial.<sup>6</sup>

#### **2.3.1.1 General Guidelines**

Effective case management is about prioritizing time and resources in a balanced way. Although there is no “one size fits all” set of case management practices, there are key components of effective judicial case management which include: exercising strong leadership; controlling/monitoring of the process; acquiring and/or maintaining the necessary expertise and training; and, making optimal use of technology.

##### **a) Strong Leadership**

Judges are in the exceptional position of making things happen. They must demonstrate their commitment to the process and exercise their authority so counsel will respond accordingly. Simple measures such as insisting that counsel be prepared for events, that they provide requisite notice and that they file required materials in a timely fashion, setting timelines, scheduling

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<sup>6</sup> See *Report of the Review of Large and Complex Criminal Case Procedures*, Chapter 4 F, the Honourable Patrick J. Lesage and Professor Michael Code (as he then was), November 2008 ([http://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/lesage\\_code/lesage\\_code\\_report\\_en.pdf](http://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/lesage_code/lesage_code_report_en.pdf)).

hearings/conference or meetings and closely monitoring progress, are all fundamental in ensuring that the momentum of the case is maintained.

Judges must clearly articulate to counsel their expectations at each step of the process as well as the consequences should these expectations not be met. Consequences could include adjourning the hearing and attributing the delay to the unprepared party, holding counsel to expected timeframes, or in the most egregious of circumstances, awarding costs against the faulted party.

Judges must ensure that counsel of record and designated crown attend hearings and conferences, prepared and that officials who are authorized to make decisions are present. They must impress upon an unprepared counsel that their lack of preparation is disrespectful not only to the court but to all involved in the event including the accused (defence counsel's client), the victim, witnesses, police officers, expert witnesses and any other participant.

To also be prepared, judges must be in a position to think about the issues in contention before the hearing or conference to develop tentative opinions they can share with counsel. To assist them in this examination, judges could request a summary of the fundamental issues to be discussed. This summary may also serve to narrow the scope of the hearing. By providing useful feedback to the parties in helping them focus their efforts on appropriate and relevant issues, the judge is contributing to making the best use of court time. Judges could consider providing advance notice to counsel of the questions they will be expected to respond at the hearing.

Judges are in the unique position to encourage and foster the culture change required to achieve greater efficiency in the criminal justice system. They must also lead by example in this regard.

#### **b) Control/Monitor the Process**

Judges must exercise control over and monitor the progress of the matter to ensure that case momentum maintained. The judiciary has a responsibility, along with the parties, to ensure that sufficient time is allotted to each event to ensure progress is made. Judges should consider reminding the parties that, before any step is taken, they should ask themselves the fundamental question of why the step is being taken and whether it will contribute positively to the advancement of the matter. Judges must closely guard the court's time and only grant adjournments where appropriate. Counsel must be aware that they will be expected to proceed on the mutually accepted scheduled date.

Judges must not shy away from assisting the parties to identify non-contentious versus triable issues, and those that can be supported by evidence in writing, neither from imposing time limits on oral arguments and ensuring that counsel's examination of witnesses remain focused.

They must consider examining more closely the strengths and weaknesses of cases expected to require more time for trial and express their views in this regard which may lead the parties to consider and discuss whether, on each charge, there is a reasonable prospect of conviction, or on the other hand, a viable defence. It may also assist in determining whether the case may be suitable for negotiation or facilitation discussions.

Before the pre-trial conference, judges must encourage counsel to discuss the possibility of narrowing the issues and scope of the conference. For cases requiring more than one day of trial, a pre-trial conference should be convened to canvass the parties' best position and whether they have engaged in resolution discussions.

Judges must also play an active role in facilitating early resolution of matters, including by inquiring whether the parties have engaged in resolution discussions, encouraging them to do so and offering their assistance in this regard.

Plea negotiations with judicial involvement should generally occur in camera in order to encourage frank discussion.

Judges should make use of the various tools available to them to advance cases. For example, facilitation conferences such as those in place in Quebec should be encouraged. They should ensure that all preliminary matters have been resolved before setting a trial date, particularly for cases expected to require several trial days to complete. In some areas, cases are examined to confirm readiness approximately 8 to 12 weeks before trial. Judges are encouraged to seize or even create opportunities to offer assistance to the parties in relation to plea discussions, if appropriate.

Special local initiatives should be considered to help quickly resolve high-volume and/or low complexity matters. For example, in some areas, pre-trial conference "blitzes" have proven effective in resolving a large proportion of cases expected to take less than one day of trial.

Special consideration may also have to be given to accused persons in particular circumstances:

- Self-represented accused: would it be appropriate to appoint amicus counsel?
- Accused with mental health issues: whether the case should be referred to a specialty court, such a mental health court or community wellness court, if one exists?
- Aboriginal accused: whether specific community programs are available, including the Aboriginal Court Worker Program? and/or
- Whether consideration for victims need to be taken into account, including those under the *Victims Bill of Rights Act*?

### **c) Expertise and Training**

Being a good case manager is more difficult in practice than in theory. Each case is unique with its own idiosyncrasies requiring individualized handling. Assigning judges with the necessary skills, expertise and training ensures the efficient progress of cases by controlling the process and advancing the case to completion. Not all judges innately possess such skills. For some, these abilities must be acquired, developed and/or honed.

Judges are encouraged to follow specialized case management training provided by the National Judicial Institute or other judicial education bodies. These entities could be canvassed to develop and maintain continuing judicial education and training programs specifically designed to further knowledge and skills required to exercise effective case management. Such training could focus on specific mediation and other skills necessary for the confident and effective exercise of case

management as well as raise awareness of existing case management powers and how to better implement these practices.

Consideration could be given to developing (or updating) a Court's bench book to include case management best practices and tips including how to best bring the parties together to discuss and narrow the issues in dispute and facilitate the just resolution of matters, quickly, efficiently and effectively. Perhaps, the National Judicial Institute could be engaged to assist in the development of this bench book.

#### **d) Technology**

Judges should make greater use technology where appropriate, in judicial case management, to make optimal use of the court's time and resources as well as improve safety. Judges must be aware of the technology available to facilitate case management. Being versed in these technologies and practices allows the judge to question approaches by counsel that may not be proportionate to or efficient in the circumstances.

In some instances, the use of technology, such as videoconferences for pre-trial conferences or follow-up, facilitates greater access to justice, particularly in remote regions, subject to the requirements of the *Criminal Code* as well as rules of court<sup>7</sup>. Judges are encouraged to conduct hearings by way of technology (subject to *Criminal Code* and rules of court requirements).

During pre-trial conferences and case management hearings judges may wish to encourage counsel to consider the use of technology for hearings and trials to expedite matters and prevent delaying matters to accommodate witnesses who may otherwise need to travel.

#### **2.3.2 The Defence**

Defence counsels' duty is to represent their client, to the best of their ability, in criminal proceedings before a court of competent jurisdiction. Like prosecutors, defence counsel must also maintain a high standard of conduct and strong work ethic which includes: being well prepared for each step of the process and attending hearings and/or conferences authorized to make decisions; making reasonable admissions and agreements where appropriate; and giving proper notices and filing requisite materials. In parallel, defence counsel should vigorously challenge the prosecutor's case and testing the evidence of witnesses while avoiding, to the extent possible, making last minute motions or requests for disclosure that would unduly delay the proceedings. Counsel should also make early, informed and realistic estimates on the time required to complete their case.

In spite of the adversarial nature of our criminal justice system, as officers of the courts, both prosecutors and defence counsel must do everything necessary to ensure that the proceedings in which they are involved are efficient.

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<sup>7</sup> See *Criminal Code* sub-sections 515 (2.2) and (2.3); sub-sections 537(1) (j) and (k); sub-section 606(5); sub-sections 650 (1.1) and (1.2); section 650.02; section 683; section 700.1; sections 714.1 to 714.4; and section 848.



Discussions about Legal Aid plans should be held with a view to have counsel's attendance at case management and facilitation conferences be properly funded.

### **2.3.3 Court Administration**

Court administration provides necessary services to the public, judges, counsel, and other participants in order to ensure that the justice system is efficient and accessible. They must foster efficiency and innovation by providing information and technical assistance. This should include education about technological resources available in court locations and support services, thereby facilitating efficient and effective proceedings. In providing these administrative services, they have a key role in assuring that the necessary infrastructure (human and material) is in place to facilitate the coordination and cooperation of the participants while making the best use of court resources.

### **2.3.4 The Prosecutor**

In acting for the public, prosecutors' primary duty is to see justice done through a fair and impartial trial on the merits. Although prosecutors have a duty to conduct their cases vigorously, this must be accomplished justly, with candour and integrity. Due to their broad discretion, prosecutors' public function must be exercised, and seen to be exercised, fairly and dispassionately.

Prosecutors must perform all their duties responsibly, particularly those that contribute to the efficient completion of criminal matters by making each step of the process a meaningful one, including: meaningful screening of cases; making early and comprehensive disclosure (favourable or not to their case); seeking assistance and input from the judiciary to ensure the momentum of the case is maintained; giving proper notices and filing requisite materials; making reasonable admissions and agreements; bringing relevant case law to the attention of the court and the defence; conducting skilful, probing though respectful cross-examinations; keeping oral submissions focused; and in particular attending each hearing or conference prepared and authorized to make decisions. Counsel should also make early, informed and realistic estimates of the time required to complete their case.

## **CONCLUSION**

Many criminal justice stakeholders have voiced grave concerns regarding system inefficiencies risk aversion, overcharging, delays, collapse rates and less than optimal use of resources. Many of these have indicated that stronger judicial management of cases goes a long way to alleviate these challenges currently burdening the criminal justice system. These model guidelines aim to provide another tool in the arsenal of participants to assist them in their respective roles in improving the overall functioning of the criminal justice system. More specifically, these guidelines highlight for the judiciary, some of the case management measures currently available to them and the skills necessary to allow them to confidently and robustly control proceedings and ensure the fair yet expeditious completion of cases.

## APPENDIX 1 – CRITICAL PATH

### *The focus hearing before a preliminary inquiry*<sup>8</sup>

- Ensure parties' compliance with the requirement of section 536.3 of the *Criminal Code* (providing to the court and the other party the statement of issues and the list of witnesses).
- Ensure parties' compliance with the requirements set out in the rules of court, as the case may be, such as filing materials or notices (see Appendix 4 for a hyperlink to the rules of your court).
  - Hearsay evidence can be admitted at the preliminary inquiry by way of subsection 540(7) thereby limiting *viva voce* evidence.
  - Witnesses can give evidence before a special examiner (with a judge being available to make legal rulings as required).
  - Indicate the rulings anticipated to be made pursuant to subsection 540(7) at the preliminary inquiry such as which witnesses will be heard at the preliminary inquiry and impose flexible time limits for each witness' testimony.

### *The pre-hearing conference*<sup>9</sup>

- Ensure parties' compliance with the requirements set out in the rules of court, as the case may be, such as filing materials or notices (see Appendix 4 for a hyperlink to the rules of your court).
  - Make recommendations on how the evidence is presented. Would it be appropriate for the prosecutor to prepare a summary presentation of the evidence so that the defence may gain a better understanding and appreciation the strength of the prosecutor's case?
  - Impose flexible time limits on oral arguments at trial.
  - Have case management considerations and case resolution options been discussed?
  - Would a follow-up conference be beneficial?

### *Where a case management judge is appointed*<sup>10</sup>

- Ensure parties' compliance with the requirements set out in the rules of court, as the case may be, such as filing materials or notices (see Appendix 4 for a hyperlink to the rules of your court).
  - Enforce the common law power to control the process and ensure a fair trial by, among other things, require proper written notice of motions and supporting materials including legal arguments; summarily dismissing motions that obviously lack merit; place time limits on oral arguments, insist that motions be argued on a written records (i.e. preliminary inquiry transcript or witness statements) without *viva voce* evidence and direct an order of motions.

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<sup>8</sup> *Criminal Code*, section 536.4; hotlink to Annex of rules of court.

<sup>9</sup> *Criminal Code*, section 625.1; hotlink to Annex of rules of court.

<sup>10</sup> *Criminal Code*, Part XVIII.1; hotlink to Annex of rules of court.

- Impose flexible time limits on oral arguments on pre-trial motions.

### *Facilitation/Case Conference*

- Prior to holding a conference, the judge must verify, via teleconference with counsel for the parties, the following:
  - their desire to settle out of court;
  - their margin of manoeuvre;
  - the strengths and weaknesses of their case.
- The judge will also need to verify the case law on sentencing for this type of offence. When holding a facilitation conference in criminal proceedings, the judge must ensure:
  - that the parties have signed a joint request for a facilitation conference;
  - that an accused who is not present during such a conference is notified that it is being held;
  - that a confidentiality agreement has been signed.

**APPENDIX 2 - CASE/FACILITATION CONFERENCE**

**Counsel Represented Accused**

Date of case conference	
Name of accused	
Charge(s)	
Case status	
Return date	
Time reserved	
Who is present for the prosecutor	Informed?
	Assigned?
Who is present for the accused	Retained?
	Assigned?
	Who will appear on record?

Does anyone have any difficulty with me doing this management conference (for any reason )? .....I may be the Trial Judge (Small jurisdiction).	Yes <input type="checkbox"/> No <input type="checkbox"/>
Is the accused aware of this meeting? Consulted?	Yes <input type="checkbox"/> No <input type="checkbox"/>

Are you ready for trial?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Are there any outstanding disclosure issues? Witness availability issues? Interpreter issues? Technological issues? Pre-trial applications?	Yes <input type="checkbox"/> No <input type="checkbox"/>  If yes, please identify issues: _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____

Was this case screened in the front end?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Is the prosecutor of the view that there is a reasonable prospect of conviction on all charges?	Yes <input type="checkbox"/> No <input type="checkbox"/>

What is the defence's view of strength of prosecutor's case on all charges?	
Have there been resolution discussions?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Does the prosecutor have discretion to discuss resolutions? Are mandatory minimums or prosecution policy manuals restricting resolutions?	Yes <input type="checkbox"/> No <input type="checkbox"/>  What is the prosecutor's position on a plea? _____ _____ _____ _____ _____ _____ _____ _____

Does defence have instructions to plead guilty?	Yes <input type="checkbox"/> No <input type="checkbox"/>  To what? _____ _____ _____ _____ _____ _____ _____
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What do counsel feel would be an acceptable sentence?
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Are there mental health or Aboriginal issues?
---

Here is my suggestion on a possible resolution.
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Are you content that the plea be entered before me?	Yes <input type="checkbox"/> No <input type="checkbox"/>
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**Unrepresented accused**

Date of case conference	
Name of accused	
Charge(s)	
Case status	
Return date	
Time reserved	
Who is present	

**APPENDIX 3 - EXPLAIN THE PROCESS: WHAT A CASE CONFERENCE IS: ROLE OF A JUDGE**

**For the accused**

Are you represented by counsel?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Is it your choice to be unrepresented?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Were you denied legal aid for financial reasons?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Are you unable to retain and afford counsel due to lack of finances?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Would you welcome the assistance of duty counsel?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Do you understand the role of duty counsel?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Are there issues you do not understand?	Yes <input type="checkbox"/> No <input type="checkbox"/>  If yes, please identify these issues: _____ _____ _____
Have you been given all of the disclosure materials (the	Yes <input type="checkbox"/> No <input type="checkbox"/>

evidence against you)?	If not, what materials remain outstanding? _____ _____ _____
Are you ready for trial?	Yes <input type="checkbox"/> No <input type="checkbox"/>

**For the prosecutor:**

Name of prosecutor	_____
Are you assigned to this matter?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Have you had discussions with the accused?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Has anyone had discussions with the accused before you?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please provide their name: _____
Was this matter screened?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Are there disclosure issues?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Are there any mental health issues?	_____



	Yes <input type="checkbox"/> No <input type="checkbox"/>
Are there Aboriginal citizens in this matter?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Are there witness issues?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please identify these issues: _____ _____
Is there a victim?	Yes <input type="checkbox"/> No <input type="checkbox"/>  If yes, has he/she been notified of this? Yes <input type="checkbox"/> No <input type="checkbox"/>
Is there a need for an interpreter?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Are there technological issues?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Is there a reasonable prospect of conviction?	Yes <input type="checkbox"/> No <input type="checkbox"/>  On all charges? Yes <input type="checkbox"/> No <input type="checkbox"/>  Please indicate why: _____ _____ _____ _____

**Questions to the accused:**

Explain the role of the victim if applicable

What do you think of the charge(s)?

**Questions to the prosecutor:**

Is there a possible resolution here?

Have there been previous discussions?

Does the prosecutor have discretion?

Are there mandatory minimum penalties?

What is the prosecutor's position on plea?

**Questions to the accused:**

Do you understand this (e.g. burden of proof, reasonable prospect of conviction, etc.)?

Have you considered pleading guilty (I am not trying to force you)?

What is your background? Family? Job?

What do you feel would be fair here?

**Here is my suggestion on a possible resolution:**

Would you be content to resolve this matter in front of me?

Do you want to get some legal advice?

Would you accept legal advice if it was available to ensure that you understand better?

## APPENDIX 4 - RULES OF COURT – PRE-TRIAL HEARINGS AND CONFERENCES

COURT	RULE / PROTOCOL
<b>ALBERTA</b>	
Provincial <a href="http://www.albertacourts.ab.ca/ProvincialCourt/tabid/70/Default.aspx">http://www.albertacourts.ab.ca/ProvincialCourt/tabid/70/Default.aspx</a>	Practice Note - Calgary Criminal & Calgary Regional Courts – Preliminary Inquiries (2013) <a href="http://www.albertacourts.ab.ca/LinkClick.aspx?fileticket=sD%2b5%2fhGJDnQ%3d&amp;tabid=321&amp;mid=827">http://www.albertacourts.ab.ca/LinkClick.aspx?fileticket=sD%2b5%2fhGJDnQ%3d&amp;tabid=321&amp;mid=827</a>  Notice to the profession – Pre-Trial Conferencing (2008) <a href="http://www.albertacourts.ab.ca/LinkClick.aspx?fileticket=bfiFun1aPwI%3d&amp;tabid=321&amp;mid=829">http://www.albertacourts.ab.ca/LinkClick.aspx?fileticket=bfiFun1aPwI%3d&amp;tabid=321&amp;mid=829</a>  Practice Directive – Pre-Trial Conference Protocol (2013) <a href="http://www.albertacourts.ab.ca/pc/criminal/forms/PTC%20Practice%20Directive.pdf">http://www.albertacourts.ab.ca/pc/criminal/forms/PTC%20Practice%20Directive.pdf</a>
Court of Queen’s Bench <a href="http://www.albertacourts.ab.ca/CourtofQueensBench/tabid/69/Default.aspx">http://www.albertacourts.ab.ca/CourtofQueensBench/tabid/69/Default.aspx</a>	<a href="http://www.albertacourts.ab.ca/LinkClick.aspx?fileticket=Sa6FzOefh9c%3d&amp;tabid=93&amp;mid=688">http://www.albertacourts.ab.ca/LinkClick.aspx?fileticket=Sa6FzOefh9c%3d&amp;tabid=93&amp;mid=688</a> <ul style="list-style-type: none"> <li>• Rule 20-30, Pre-Trial Conferences</li> <li>• Form CC 7, Pre-Trial Conference Report</li> </ul>
Court of Appeal <a href="http://www.albertacourts.ab.ca/CourtofAppeal/tabid/68/Default.aspx">http://www.albertacourts.ab.ca/CourtofAppeal/tabid/68/Default.aspx</a>	n/a
<b>BRITISH COLUMBIA</b>	
Provincial <a href="http://www.provincialcourt.bc.ca/">http://www.provincialcourt.bc.ca/</a>	<a href="http://www.provincialcourt.bc.ca/types-of-cases/criminal-and-youth/report-on-caseflow/criminal-caseflow">http://www.provincialcourt.bc.ca/types-of-cases/criminal-and-youth/report-on-caseflow/criminal-caseflow</a>
Supreme Court <a href="http://www.courts.gov.bc.ca/supreme_court/index.aspx">http://www.courts.gov.bc.ca/supreme_court/index.aspx</a>	<a href="http://www.canlii.org/en/ca/laws/regu/si-97-140/latest/si-97-140.html">http://www.canlii.org/en/ca/laws/regu/si-97-140/latest/si-97-140.html</a> <ul style="list-style-type: none"> <li>• Rule 5 – Pre-trial Conferences</li> </ul> Supreme Court Criminal Practice Directions <a href="http://www.courts.gov.bc.ca/supreme_court/practice_and_procedure/criminal_practice_directions.aspx">http://www.courts.gov.bc.ca/supreme_court/practice_and_procedure/criminal_practice_directions.aspx</a> <ul style="list-style-type: none"> <li>• Criminal Pre-trial Conference Process</li> </ul>
Court of Appeal <a href="http://www.courts.gov.bc.ca/Court_ofAppeal/index.aspx">http://www.courts.gov.bc.ca/Court_ofAppeal/index.aspx</a>	<a href="http://www.bclaws.ca/EPLibraries/bclaws_new/document/LOC/freeside/--%20C%20--/Criminal%20Code/05_Regulations/10_145_86.xml">http://www.bclaws.ca/EPLibraries/bclaws_new/document/LOC/freeside/--%20C%20--/Criminal%20Code/05_Regulations/10_145_86.xml</a> <ul style="list-style-type: none"> <li>• Rule 4 – Other Pre-Hearing Matters</li> </ul>
<b>MANITOBA</b>	
Provincial <a href="http://www.manitobacourts.mb.ca/index.html">http://www.manitobacourts.mb.ca/index.html</a>	Practice Directives and protocols <a href="http://www.manitobacourts.mb.ca/provincial-court/legal-resources-and-links/notices-and-practice-directions/">http://www.manitobacourts.mb.ca/provincial-court/legal-resources-and-links/notices-and-practice-directions/</a>

COURT	RULE / PROTOCOL
	<ul style="list-style-type: none"> <li>• Practice Directive for preliminary hearings, Form A, Form B</li> <li>• Pre-trial coordination protocol</li> <li>• Notice – Thompson Pre-Trials and Focus Hearings (August 23, 2013)</li> </ul>
<p>Court of Queen’s Bench  <a href="http://www.manitobacourts.mb.ca/index.html">http://www.manitobacourts.mb.ca/index.html</a></p>	<p><a href="http://laws-lois.justice.gc.ca/eng/regulations/SI-92-35/FullText.html">http://laws-lois.justice.gc.ca/eng/regulations/SI-92-35/FullText.html</a></p> <ul style="list-style-type: none"> <li>• Rule 9 - Pre-trial Conference</li> </ul> <p>Notices and Practice Directions  <a href="http://www.manitobacourts.mb.ca/court-of-queens-bench/procedure-rules-and-forms/notices-and-practice-directions/">http://www.manitobacourts.mb.ca/court-of-queens-bench/procedure-rules-and-forms/notices-and-practice-directions/</a></p> <ul style="list-style-type: none"> <li>• Practice Direction – Criminal Pre-Trials (February 24, 2014) &amp; Pre-Trial Conference Brief</li> <li>• Notice – Criminal Trial Court Scheduling Reform for Thompson (pre-trials) (June 2012)</li> </ul>
<p>Court of Appeal  <a href="http://www.manitobacourts.mb.ca/index.html">http://www.manitobacourts.mb.ca/index.html</a></p>	n/a
<b>NEW BRUNSWICK</b>	
<p>Provincial  <a href="http://www.gnb.ca/cour/06PCNB/index-e.asp">http://www.gnb.ca/cour/06PCNB/index-e.asp</a></p>	<p><a href="http://www.gnb.ca/cour/06PCNB/practice-e.asp">http://www.gnb.ca/cour/06PCNB/practice-e.asp</a></p> <ul style="list-style-type: none"> <li>• Part 2 - Pre-Trial Matters</li> <li>• Rule 7 – Preliminary Inquiries</li> <li>• Rule 9 – Pre-Trial Conference</li> </ul>
<p>Court of Queen’s Bench  <a href="http://www.gnb.ca/Cour/04CQB/index-e.asp">http://www.gnb.ca/Cour/04CQB/index-e.asp</a></p>	n/a
<p>Court of Appeal  <a href="http://www.gnb.ca/Cour/03COA1/index-e.asp">http://www.gnb.ca/Cour/03COA1/index-e.asp</a></p>	n/a
<b>NEWFOUNDLAND &amp; LABRADOR</b>	
<p>Provincial  <a href="http://www.court.nl.ca/provincial/">http://www.court.nl.ca/provincial/</a></p>	<p><a href="http://www.court.nl.ca/provincial/goingtocourt/acts.html">http://www.court.nl.ca/provincial/goingtocourt/acts.html</a></p> <ul style="list-style-type: none"> <li>• Rule 15 – Pre-Hearing Conferences</li> <li>• Form 13 – Pre-Hearing Conference Report</li> </ul>
<p>Supreme Court  <a href="http://www.court.nl.ca/supreme/">http://www.court.nl.ca/supreme/</a></p>	<p><a href="http://www.assembly.nl.ca/legislation/sr/regulations/Rc86rules.htm">http://www.assembly.nl.ca/legislation/sr/regulations/Rc86rules.htm</a></p> <ul style="list-style-type: none"> <li>• Rule 1.02 – Application – Rules applicable to every proceeding in Supreme Court, including appeals</li> <li>• Rule 38 – Orders: Pre-Trial or Pre-Hearing</li> <li>• Rule 39A – Pre-Trial Conferences</li> </ul> <p><a href="http://www.court.nl.ca/supreme/general/pracnotes.html">http://www.court.nl.ca/supreme/general/pracnotes.html</a></p> <ul style="list-style-type: none"> <li>• Rule 10 – Pre-Trial Conferences</li> </ul>
<p>Court of Appeal</p>	n/a

COURT	RULE / PROTOCOL
<a href="http://www.court.nl.ca/supreme/">http://www.court.nl.ca/supreme/</a>	
<b>NORTHWEST TERRITORIES</b>	
Provincial <a href="http://www.nwtcourts.ca/Courts/tc.htm">http://www.nwtcourts.ca/Courts/tc.htm</a>	n/a
Supreme Court <a href="http://www.nwtcourts.ca/Courts/sc.htm">http://www.nwtcourts.ca/Courts/sc.htm</a>	<a href="http://www.justice.gov.nt.ca/pdf/REGS/CRIMINAL_CODE/Criminal_Procedure_Rules_Supreme_Court_NWT.pdf">http://www.justice.gov.nt.ca/pdf/REGS/CRIMINAL_CODE/Criminal_Procedure_Rules_Supreme_Court_NWT.pdf</a> <ul style="list-style-type: none"> <li>• Rule 70 – Pre-hearing brief</li> <li>• Rule 39 – Place of pre-trial applications</li> <li>• Rule 77-90 – Pre-trial conferences</li> </ul> <p>Supreme Court Clerk’s Practice Directive No. 8 – Transcripts of Preliminary Inquiries (May 1997) <a href="https://www.nwtcourts.ca/directives/cpd8.pdf">https://www.nwtcourts.ca/directives/cpd8.pdf</a></p>
Court of Appeal <a href="https://www.nwtcourts.ca/Courts/ca.htm">https://www.nwtcourts.ca/Courts/ca.htm</a>	n/a
<b>NOVA SCOTIA</b>	
Provincial <a href="http://www.courts.ns.ca/Provincial_Court/NSPC_home.htm">http://www.courts.ns.ca/Provincial_Court/NSPC_home.htm</a>	<a href="http://www.courts.ns.ca/provincial/NSPC_criminal_rules_12.11.htm">http://www.courts.ns.ca/provincial/NSPC_criminal_rules_12.11.htm</a> <ul style="list-style-type: none"> <li>• Rule 4.3 – Focus Hearing</li> <li>• Rule 2.4 – Time for Pre-trial Applications</li> <li>• Rule 4.2 – Judicial Pre-trial</li> </ul> <p>Provincial Court Practice Direction – Pre-Hearing Conferences and Focus Hearings <a href="http://www.courts.ns.ca/Provincial_Court/NSPC_I_rules_and_forms/NSPC_PD_Pre-hearing_Conferences.pdf">http://www.courts.ns.ca/Provincial_Court/NSPC_I_rules_and_forms/NSPC_PD_Pre-hearing_Conferences.pdf</a></p>
Supreme Court <a href="http://www.courts.ns.ca/Supreme_Court/NSSC_home.htm">http://www.courts.ns.ca/Supreme_Court/NSSC_home.htm</a>	Supreme Court Pre-Trial Conference Report Form <a href="http://www.courts.ns.ca/Supreme_Court/forms/nssc_pretrial_conference_report_form_int_09_10.pdf">http://www.courts.ns.ca/Supreme_Court/forms/nssc_pretrial_conference_report_form_int_09_10.pdf</a>
Court of Appeal <a href="http://www.courts.ns.ca/Appeal_Court/NSCA_home.htm">http://www.courts.ns.ca/Appeal_Court/NSCA_home.htm</a>	n/a

COURT	RULE / PROTOCOL
<b>NUNAVUT</b>	
Territorial Court <a href="http://www.nucj.ca/welcome.htm">http://www.nucj.ca/welcome.htm</a>	<a href="http://www.nucj.ca/rules/SI98-78_Criminal_Rules_of_NCJ_fed.pdf">http://www.nucj.ca/rules/SI98-78_Criminal_Rules_of_NCJ_fed.pdf</a> <ul style="list-style-type: none"> <li>• Rule 70 – Pre-hearing brief</li> <li>• Rule 39 – Place of pre-trial applications</li> <li>• Rule 77-90 – Pre-trial conferences</li> </ul> ** See Northwest Territories  Nunavut Court of Justice, Practice Directive #26 – Pre-Hearing (Focusing) Conference (Section 536.4 of the <i>Criminal Code</i> ) (Dec 2009) <a href="http://www.nucj.ca/Directives/PD26_PrehearingConference.pdf">http://www.nucj.ca/Directives/PD26_PrehearingConference.pdf</a> <ul style="list-style-type: none"> <li>• Form 26C – Agreement and Admissions made at a Pre-Hearing Conference (subsection 536.4(2) of the <i>Criminal Code</i>)</li> <li>• Form 26B – Request for a Pre-Hearing Conference (subsection 536.4(1) of the <i>Criminal Code</i>)</li> <li>• Form 26D – Agreement to Limit the Scope to the Preliminary Inquiry (subsection 536.5 of the <i>Criminal Code</i>)</li> <li>• Form 26A – Statement Identifying Issues and Witnesses (subsection 536.3 of the <i>Criminal Code</i>)</li> <li>• <a href="http://www.nucj.ca/rules.htm">http://www.nucj.ca/rules.htm</a></li> </ul> Nunavut Court of Justice, Practice Directive #41 – Criminal Case Management Rules – Powers of the Case Management Judge (February 2012) (Pre-hearings and Pre-trials) <a href="http://www.nucj.ca/Directives/PD41_CaseManagementRules_Criminal.pdf">http://www.nucj.ca/Directives/PD41_CaseManagementRules_Criminal.pdf</a>
Court of Appeal <a href="http://www.nucj.ca/welcome.htm">http://www.nucj.ca/welcome.htm</a>	n/a
<b>ONTARIO</b>	
Provincial <a href="http://www.ontariocourts.ca/ocj">http://www.ontariocourts.ca/ocj</a>	<a href="http://www.ontariocourts.ca/ocj/criminal-rules/criminal-rules/">http://www.ontariocourts.ca/ocj/criminal-rules/criminal-rules/</a> <ul style="list-style-type: none"> <li>• Rule 4.3 – Focus Hearing, Preliminary Inquiry</li> <li>• Rule 2.4 – Time for pre-trial applications</li> <li>• Rule 4.2 – Judicial pre-trial conference</li> </ul>
Superior Court of Justice <a href="http://www.ontariocourts.ca/scj/">http://www.ontariocourts.ca/scj/</a>	<a href="http://lois.justice.gc.ca/eng/regulations/SI-2012-7/index.html">http://lois.justice.gc.ca/eng/regulations/SI-2012-7/index.html</a> <ul style="list-style-type: none"> <li>• Rule 28 – Pre-Hearing Conferences</li> </ul>
Court of Appeal <a href="http://www.ontariocourts.ca/coa/en/">http://www.ontariocourts.ca/coa/en/</a>	n/a
<b>PRINCE EDWARD ISLAND</b>	
Provincial <a href="http://www.courts.pe.ca/index.php?number=1051070&amp;lang=E">http://www.courts.pe.ca/index.php?number=1051070&amp;lang=E</a>	<a href="http://www.courts.pe.ca/index.php?number=1051073&amp;lang=E">http://www.courts.pe.ca/index.php?number=1051073&amp;lang=E</a>

COURT	RULE / PROTOCOL
	<ul style="list-style-type: none"> <li>Form B – Request for Hearing Pursuant to Section 536.4 of the <i>Criminal Code</i> <a href="http://www.gov.pe.ca/courts/provincial/forms/form-b.pdf">http://www.gov.pe.ca/courts/provincial/forms/form-b.pdf</a></li> <li>Form C – Agreement and Admissions at Hearing held under Section 536.4 of the <i>Criminal Code</i> <a href="http://www.gov.pe.ca/courts/provincial/forms/form-c.pdf">http://www.gov.pe.ca/courts/provincial/forms/form-c.pdf</a></li> <li>Form D – Mutual Agreement to Limit Scope of Preliminary Inquiry - Section 536.58 of the <i>Criminal Code</i> <a href="http://www.gov.pe.ca/courts/provincial/forms/form-d.pdf">http://www.gov.pe.ca/courts/provincial/forms/form-d.pdf</a></li> </ul>
Supreme Court <a href="http://www.court.pe.ca/supreme/">http://www.court.pe.ca/supreme/</a>	<a href="http://www.gov.pe.ca/courts/supreme/index.php3?number=1003816">http://www.gov.pe.ca/courts/supreme/index.php3?number=1003816</a> <ul style="list-style-type: none"> <li>Rule 80 – Criminal Rule Respecting Pre-Trial Conferences under Section 625.1(2) of the <i>Criminal Code</i></li> </ul> Practice Notes: <a href="http://www.court.pe.ca/supreme/index.php?number=1003814&amp;lang=E">http://www.court.pe.ca/supreme/index.php?number=1003814&amp;lang=E</a> Practice Note 4 – Case Management – Pre-Trial Conference – General Division <a href="http://www.gov.pe.ca/courts/supreme/PracticeNote4.pdf">http://www.gov.pe.ca/courts/supreme/PracticeNote4.pdf</a>
Court of Appeal <a href="http://www.courts.pe.ca/appeal/">http://www.courts.pe.ca/appeal/</a>	n/a
<b>QUEBEC</b>	
Provincial <a href="http://www.tribunaux.qc.ca/mjq_en/c-quebec/index-cq.html">http://www.tribunaux.qc.ca/mjq_en/c-quebec/index-cq.html</a>	<a href="http://www.tribunaux.qc.ca/mjq_en/c-quebec/contenu-reglements.html">http://www.tribunaux.qc.ca/mjq_en/c-quebec/contenu-reglements.html</a> <ul style="list-style-type: none"> <li>Chapter III – Provisions Applicable to the Criminal and Penal Division – Division XI – Pre-Hearing Conference</li> </ul>
Superior Court <a href="http://www.tribunaux.qc.ca/c-superieure/index-cs.html">http://www.tribunaux.qc.ca/c-superieure/index-cs.html</a>	<a href="http://laws-lois.justice.gc.ca/eng/regulations/SI-2002-46/FullText.html">http://laws-lois.justice.gc.ca/eng/regulations/SI-2002-46/FullText.html</a> <ul style="list-style-type: none"> <li>Rule 39-44 – Pre-Hearing Conference</li> <li>Schedule – Superior Court – Criminal Division Minutes of Pre-Hearing Conference</li> </ul>
Court of Appeal <a href="http://courdappelduquebec.ca/en/">http://courdappelduquebec.ca/en/</a>	n/a
<b>SASKATCHEWAN</b>	
Provincial <a href="http://www.sasklawcourts.ca">http://www.sasklawcourts.ca</a>	<a href="http://www.sasklawcourts.ca/index.php/home/provincial-court/practice-directives-and-endorsements">http://www.sasklawcourts.ca/index.php/home/provincial-court/practice-directives-and-endorsements</a> <ul style="list-style-type: none"> <li>Practice Directive I – Preliminary Inquiry <a href="http://www.sasklawcourts.ca/images/documents/Provincial_Court/PC_PD_1_Prelim_Inq.pdf">http://www.sasklawcourts.ca/images/documents/Provincial_Court/PC_PD_1_Prelim_Inq.pdf</a></li> <li>Form P1-1 – Statement Identifying Issues and Witnesses (Section 536.3 of the <i>Criminal Code</i>)</li> </ul>

COURT	RULE / PROTOCOL
	<ul style="list-style-type: none"> <li>Form P1-2 – Agreement and Admissions at Pre-Hearing Conference (Subsection 536.4(2) of the <i>Criminal Code</i>)</li> </ul>
Court of Queen’s Bench <a href="http://www.sasklawcourts.ca">http://www.sasklawcourts.ca</a>	<a href="http://www.qp.gov.sk.ca/documents/English/QBRules/24-CriminalProceedings.pdf">http://www.qp.gov.sk.ca/documents/English/QBRules/24-CriminalProceedings.pdf</a>  Criminal Practice Directive #1 – Criminal Pre-Trial Conferences <a href="http://www.qp.gov.sk.ca/documents/english/QBPracticeDirectives/PD04.pdf">http://www.qp.gov.sk.ca/documents/english/QBPracticeDirectives/PD04.pdf</a>  General Application Practice Directive #4 – Expedited Pre-Trial Conferences <a href="http://www.qp.gov.sk.ca/documents/english/QBPracticeDirectives/PD12.pdf">http://www.qp.gov.sk.ca/documents/english/QBPracticeDirectives/PD12.pdf</a>
Court of Appeal <a href="http://www.sasklawcourts.ca">http://www.sasklawcourts.ca</a>	n/a
<b>YUKON</b>	
Territorial Court <a href="http://www.yukoncourts.ca/courts/territorial.html">http://www.yukoncourts.ca/courts/territorial.html</a>	Practice Direction #4 – Preliminary Hearings <a href="http://www.yukoncourts.ca/pdf/tcpd04.pdf">http://www.yukoncourts.ca/pdf/tcpd04.pdf</a>
Supreme Court <a href="http://www.yukoncourts.ca/courts/supreme.html">http://www.yukoncourts.ca/courts/supreme.html</a>	<a href="http://www.yukoncourts.ca/pdf/PD36_combined.pdf">http://www.yukoncourts.ca/pdf/PD36_combined.pdf</a> <ul style="list-style-type: none"> <li>Form – Pre-Trial Conference Report</li> </ul>
Court of Appeal <a href="http://www.yukoncourts.ca/courts/appeal.html">http://www.yukoncourts.ca/courts/appeal.html</a>	<a href="http://www.yukoncourts.ca/courts/appeal/rules.html">http://www.yukoncourts.ca/courts/appeal/rules.html</a> <ul style="list-style-type: none"> <li>Rule 15 – Pre-Hearing Conference</li> </ul>