# Go Online or Stand In Line

The Provincial Court of Alberta, Edmonton Criminal Division, is set to launch an innovative electronic filing program through the Alberta Courts website. The program will allow lawyers arguing a Charter of Rights and Freedoms violation to file notices of applications, briefs, and case law materials online. The portal will require the lawyer to create a personal account and input their username and password, similar to the Alberta Court of Appeal's e-filing webpage. Once inside the website, defense counsel will be able to electronically submit their materials directly to the Court offices and either the provincial or federal Crown law office. The electronically filed material will also be sent to the presiding judge; Crown prosecutors will file their responding materials online, and both counsel can exchange further material in a like manner. Each lawyer will be able to save case law to their individual (and password protected) account, titled "My Charter Applications," to track filed applications. Duly authorized law students from Student Legal Services will also be able to use the service. Preparing Charter briefs in such a manner will also expedite preparation of future briefs where issues re-appear.

Judge David J. McNab, one of the creators of the project, describes the initiative as an attempt to simplify the filing process for defense counsel, manage materials at the court house, and facilitate the exchange of information between opposing counsel. The program is specific to Charter challenges for two reasons: first, much of the case law pertaining to many Charter challenges is relied upon time and again; and second, the vast majority of provincial court applications are Charter-related. While British Columbia's provincial court (civil division) appears to be the only other provincial court in Canada which permits some e-filing of documents with the clerks' office, what is unique about the Alberta Provincial Court initiative is that the system also permits counsel to exchange materials with each other, track their filed applications independent of the clerk's office, and simultaneously provide the same material to the Judges' offices (lessening this workload on the clerks' office). And, because counsel using the e-file process will only be required to file a single copy of paper materials for the Judge's use in court, Judge McNab says that the program can significantly reduce the amount of paper consumed in the filing process. Prior to e-filing (and for those counsel who do not e-file), paper copies of briefs and relevant case law were filed and served on the Clerk, the Crown, and the presiding judge; now only one paper copy is needed, as all parties will receive materials electronically.

The Edmonton Criminal Division of the Court welcomes the application of internet technology as a means of increasing efficiency in the judicial system. Led by Judges Caffaro, Lefever, Allen and McNab, that Division pioneered an online program for scheduling and accessing of judicial assignments, which schedule is available in real-time to Judges, court staff and the trial scheduling office, and which can be accessed by clerks in the courtroom. The same Division also pioneered the first Court-initiated online process for filing notices of applications for publication bans (both are password protected) in compliance with Supreme Court of Canada directions in *Dagenais v Canadian Broadcasting Corp*, [1994] 3 SCR 834. Both of these initiatives were tested in Edmonton, and have been adopted elsewhere in

Alberta. In 2005, the Calgary Criminal Division adopted the judicial scheduling program using Edmonton's model, and the e-filing of publication bans is now functional for all Divisons, province-wide. According to Judge McNab, other courts from across the country have inquired about these initiatives as a means to institute or improve their own online systems.

Other, new programs that will commence in the Edmonton Criminal Division in October 2007 include interactive online forms for Case Management Conferences (counsel will download an online form, complete it as far as possible, and forward it to other counsel (and eventually on to the Court) in advance of the conference) and a common template for Judges to use in bail hearings and for Probation Orders and Conditional Sentence Orders.

These initiatives accord with a general trend in the legal profession towards using electronic technology to facilitate business and improve access to justice. Electronic document storage and e-billing has allowed many law firms to become "paperless," while the Ontario Court of Appeal's webcasting initiative has enhanced public education using modern technology. Recently, the Alberta Provincial Court's Chief Judge, Gail Vickery, and the courts' Assistant Chief Judges passed a resolution permitting accredited media representatives to record proceedings with tape recorders (so long as the recording is only used for the purposes of accuracy and not for broadcast). As a result, the resolution relaxes the historical policy that prohibited the use of recording devices in court.

Judge McNab is enthusiastic in his praise of the former and current Chief Judges of the Provincial Court (Ernie Walter and Gail Vickery, respectively), the former and current Edmonton Assistant Chief Judges (Peter Caffaro and Allan Lefever, respectively), his other judicial colleagues, court staff, Court Services Information Technology staff, and the Edmonton Bar, for their support of these initiatives and their readiness to adapt to change as part of a more efficient judicial system. While e-filing of "Charter" notices and materials is not mandatory (at least for the time being), at present it provides counsel with the choice to "go online or stand in line". The program will launch October 1, 2007.