

PRACTICE DIRECTIVE

Ineffective Assistance of Trial Counsel

Application of Practice Directive

This directive applies to those criminal conviction appeals before the British Columbia Court of Appeal in which the appellant advances as a basis of the appeal that his or her trial counsel provided ineffective assistance at trial resulting in a miscarriage of justice.

Case Management of the Appeal

Upon filing of a notice of appeal in which the appellant alleges ineffective assistance on the part of trial counsel, the Chief Justice may direct that a case management judge be assigned. Either party may also write to the registry to request a case management judge.

Notification of Trial Counsel of Allegations

Where the appellant's factum alleges ineffective assistance of counsel at trial, the appellant shall file with the factum a Notice (in Form A) of the allegation and promptly deliver a copy of the Notice to trial counsel.

The Honourable Chief Justice Finch
On behalf of the Court of Appeal for British Columbia

February 1, 2005

Form A

Ineffective Assistance of Trial Counsel

Court of Appeal File No. *[number]*

COURT OF APPEAL

Between:

REGINA

RESPONDENT

AND:

[name]

APPELLANT

NOTICE TO REGISTRAR

The Appellant, _____, hereby gives notice to
_____ [counsel for *[the appellant]* in the court below] that
one of the grounds of appeal raised in the appellant's factum, which will be argued
on this appeal, is the ineffective assistance of counsel at trial.

[Dated]

[Name] Counsel for the Appellant

*[Please file 2 copies with the Court of Appeal registry. The registry will forward a
copy of this notice to the Crown. Appellant's counsel is to promptly deliver a copy of
this notice to Counsel for the appellant at trial]*