



PRACTICE DIRECTION

RE: Procedure for Fixing Dates in Criminal Proceedings in Vancouver and New Westminster

Commencing January 1, 2010, the Supreme Court will adopt a new process for fixing dates in criminal proceedings in Vancouver and New Westminster (“Vancouver/New Westminster Fix Date Procedure”). The purpose of the Vancouver/New Westminster Fix Date Procedure is to streamline the process for setting dates and to reduce the number of court appearances to schedule dates for trials and pre-trial conferences in situations where the parties are able to consent to a trial or pre-hearing conference dates.

Effective January 1, 2010 and subject to certain exemptions which are identified below, the following process will be used to fix dates in criminal proceedings:

1. The Chief Justice or the Associate Chief Justice will specify a time period during which the Supreme Court Scheduling is authorized to set dates for trials and pre-trial hearings pursuant to the agreement of Crown and defence counsel.
2. An accused, upon being ordered to stand trial by the Provincial Court, will be advised to attend in the Supreme Court to fix dates for trial or pre-trial hearings (“scheduled fix date”). The scheduled fix date will take place within 4 weeks of the accused being ordered to stand trial.
3. In Vancouver, fix date appearances will be scheduled for Wednesday afternoon. On the scheduled fix date, an accused must attend at Supreme Court Scheduling Counter 204 between 1:30 p.m. and 1:45 p.m. to fix dates for trial and pre-trial hearings.
4. In New Westminster, fix date appearances will be scheduled for Thursday afternoon and an accused, on his or her scheduled fix date must attend at Supreme Court Scheduling between 1:30 p.m. and 1:45 p.m. to fix dates for trial and pre-hearing hearings.
5. Between the date of the committal and the scheduled fix date in Supreme Court, Crown and Defence counsel will contact each other and Supreme Court Scheduling to pre-arrange a trial date and other applicable dates. A court appearance is not required to fix dates for trials or pre-trial hearings if all parties consent to a scheduled date which is within the time period specified by the Chief Justice or the Associate Chief Justice. .

6. A personal appearance by the accused and/or counsel in Court will be required at 2:00 p.m. if trial or pre-trial hearing date is not scheduled before 1:45 p.m. on the scheduled fix date.
7. If counsel is attending on the scheduled fix date without the accused to set a fix date without a court appearance, a Counsel Designation Form is required. Without a Counsel Designation Form, counsel will be required to appear in court to fix dates.
8. Once the parties and Supreme Court Scheduling schedule the date for the trial or a pre-trial conference in accordance with the Vancouver/New Westminister Fix Date Procedure, Supreme Court Scheduling will provide written notice of the scheduled dates to Crown, defence counsel and Court Services. Once scheduled, the matter will be removed from the fix date list.
9. Supreme Court Scheduling will keep a record of the available dates offered to the parties. This record will include a reason for the refusal of an available date.

Exemptions from the Vancouver/New Westminister Fix Date Procedure

The Vancouver/New Westminister Fix Date Procedure does **not** apply and will not be used in the following circumstances:

1. The matter is proceeding by way of a direct indictment;
2. The accused is self-represented;
3. Counsel attends without the accused and a Counsel Designation Form has not been filed;
4. Dates cannot be found within time period specified by the Chief Justice or the Associate Chief Justice;
5. Any case where a date has not been fixed within 30 days from the first attendance to fix a date for trial;
6. Counsel cannot agree on the time estimate;
7. Counsel are seeking judicial involvement due to the complexity and anticipated length of the case;

- 8. Any matter which the Manager, SC Scheduling in his or her discretion refers to the Court for any reason; or
- 9. Any proceeding pursuant to the *Extradition Act*

December 1, 2009



Patrick D. Dohm
Associate Chief Justice