

FAMILY LAW TOWN HALL – EDMONTON
TUESDAY, APRIL 27, 2021
SUMMARY

1. Welcome and Opening Remarks – CJ Moreau

I have two points to discuss with you before turning the agenda over to Justice Yungwirth who, with Justice Marriott, are our very hardworking Co-Chairs of the Family Law Steering Committee.

First, the impact of the Third Wave of COVID: The current situation is fluid as to whether there will be interruptions in our Court's schedule relating to family and other matters due to the third wave, given our COVID numbers are highest in Canada. You are aware that Provincial Court announced that effective yesterday it has suspended the conduct of low complexity out of custody criminal trials, traffic court matters, non-urgent family/child protection matters and civil small claims trials. It is continuing with all matters it currently conducts remotely.

The courts are an essential service and have put a number of measures in place over the last fourteen months. In January due to clerk's office absences, we were required to adjourn some of our civil matters, such as child support list, bail estreatments, civil, family and criminal appeals, and some civil trials in Edmonton and Calgary.

Our courtrooms throughout the province have been outfitted with plexiglass. Social distancing signage, mandatory mask wear requirements, COVID screening and cleaning protocols, and AHS-mandated close-contact notification and deep cleaning protocols in the case of a positive test result are in place in all of our twelve judicial centres. Virtually all our court hearings that do not require *viva voce* evidence are being conducted remotely. Remote hearings along with jury selections and jury trials being relocated to covidized external facilities have significantly reduced the traffic within our courthouses.

The QB Pandemic Response Committee and our Court's *ad hoc* Scheduling Committee are keeping a close eye on the rise in COVID variant cases. Please keep an eye out daily for announcements relating to any suspension of non-urgent matters.

Second, I want to address a letter from a member of the Family Bar in Edmonton that was passed on to me early this morning. The letter referred to a general perception of the family bar that:

- a. The court does not want to deal with family law matters, and the process requirements are geared toward to actively discouraging family law litigation;
- b. The family bar is incapable of managing their files appropriately, and the bench feels that they must step in to manage them;
- c. The court process has become about form over substance;
- d. The court is not interested in the bar's perspective.

The Court is strongly of the view that the Family Bar plays an essential role in the administration of family justice in Alberta. Communication with our stakeholders is something I am committed to, which also means listening to your concerns.

Three big picture items played a role in the struggles we are experiencing:

First, the Court had already begun experiencing a decline in supports before the pandemic – due to the general economic climate in Alberta. For the first time in its history and midway through fiscal 2019-20, the Court sustained an across the board budget reduction that reduced its own resources and those resources allocated to government-administered court clerks' offices and Resolution Services.

Second, a lot of effort, hard work and resources from the bar, the bench and government went into planning for a unified family court and a system overhaul of family law, given our increased understanding of the damage to children and families who are exposed to the stressful effects of protracted litigation. When the government announced it was not proceeding with a unified court given resource issues, we were left with the alternative to do nothing with the efforts expended on an efficient and effective family court model or try to apply aspects of the model within our existing court structure.

Third, the pandemic launched us into fast forward, being forced to rely on technology and minimize physical attendance at our courthouses with all the disruptions this has caused to our services.

So, getting back to the feedback I earlier referred to – the Court is dedicating resources to deal with family matters requiring our intervention, but does not want to devote scarce resources to matters that can easily be resolved with a reasonable effort by Counsel and the parties. The Court's current focus on early intervention and early dispute resolution and its more aggressive intake management processes are consistent with the Rules of Court, the Family Law Act, the recent amendments to the Divorce Act and the research done by the Reforming Family Justice system in this area. It is not a reflection of the Court's perspective on the Bar's ability to manage their files. This more aggressive approach may have also created the impression that the Court is focussed more on form than substance. Part of the purpose of this meeting is to demonstrate that there is a purpose underlying the various processes we have introduced.

The Court is interested in your perspectives. We have been communicating with your representatives in our four residential judicial centres as evidenced by our unprecedented regular meetings with each sector of the Bar. Considerable human resources have been channelled into family law – with 3 judges each week in each of Edmonton and Calgary assigned to hearing only family matters as compared to only one judge 2 years ago and as compared to only one judge being assigned to civil Chambers matters and one to criminal duty matters per week in each of the 2 cities.

As we move beyond the pandemic we plan to morph our regular meetings with the bar into a quarterly meeting, one that will engage the representatives of all sectors of the family bar more directly, senior and junior practitioners, rural and urban, litigation and ADR focussed to discuss emerging issues as the Court migrates to a digitalized environment.

I will now turn the very full agenda over to Justice Yungwirth.

2. Family Docket Court

We have now had Family Docket Court in place for 11 months. We have learned a lot. Hopefully you have noticed that we have become more efficient over time.

We remind you that Family Docket is not chambers and it should not be treated as such. We can make Consent Orders and disclosure orders and sometimes, time permitting, we can facilitate resolution on an issue – but we don't have time to hear submissions and argument on the matters in issue the same way we would in chambers. We have 20 matters on the list and we need to be completed by 12:30 at the latest.

A total of 4,018 matters have come through Family Docket in Edmonton and 4,115 have come through Family Docket in Calgary. Unfortunately, we are still seeing adjournment rates higher than is ideal – 22% in Edmonton and 23% in Calgary.

We have directed 41% per cent of matters heard in Edmonton and 45% percent of matters heard in Calgary to a type of dispute resolution process. These include Resolution Counsel (formerly Case Management Counsel), Early Intervention Case Conferences, Resolution Services, Family Mediation program, and Child Support Resolution Officer/Dispute Resolution Officer programs. In light of the change to Rule 4.16, we are also directing matters to mediation in the community where the parties' resources are sufficient to enable them to do so.

There have been consent orders on substantive issues in about 10% of the Docket matters in each City.

We are strongly encouraging a form of ADR before proceeding to Family Docket. ADR includes a 4-way settlement meeting with Counsel. Though there is some variation from Justice to Justice, you may find that if you don't engage in some form of ADR process before coming to Family Docket Court, you will be directed to one by the Family Docket Justice. This is consistent with s. 7.3 of the Divorce Act, which states "to the extent that it is appropriate to do so, the parties to a proceeding shall try to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process." Family Dispute Resolution Process is defined in the Act as "a process outside of court that is used by parties to a family law dispute to attempt to resolve any matters in dispute, including negotiation, mediation, and collaborative law."

You should be aware that Chief Justice Moreau has directed that we not book a "back-up" special chambers date when are scheduling an ADR process in Family Docket Court. Some of the reasoning behind this is that there will be more incentive to resolve a matter in an ADR process if you don't have a back-up date for court. But more importantly, our lead times have been growing beyond what is acceptable due in part to several processes being directed for a single file. This is another reason to engage in an ADR process before proceeding to Family Docket – you will be more likely to get your special chambers date on the first Docket appearance.

Because we are still in the pandemic, we still have limitations on our sittings.

We all have an obligation to manage our resources as efficiently as possible.

This includes speaking with opposing Counsel and trying to resolve as much as you can before filing your Notice to Attend Family Docket Court document. We are still experiencing Counsel hearing the other side's position on an issue for the first time in Family Docket Court. Many of you are immediately filing the Notice to Attend Family Docket Court and minimal effort is made before

filing the Notice to Attend or during the lead time to Family Docket (currently 4 weeks in Edmonton and just over 1 week in Calgary), to complete disclosure and discuss resolution or an ADR process.

I have been asked to remind you that the original Notice to Attend Family Docket Court was revised in early December and that the new form should be used. After June 1, 2021, old Notice to Attend Family Docket Court forms will be rejected.

In addition, in the latest Notice to Attend Family Docket, you are asked to attach the most recent order relative to the issues that you wish to address. We are finding that most of the time, the box is checked that says the Order is attached, but the Order is not attached. It would help us greatly if those Orders were attached.

You will also notice that the latest form asks you to indicate what disclosure you are seeking. We are trying to reduce the need for Notices to Disclose by making disclosure orders in Family Docket. But it is important that Counsel have considered the outstanding disclosure so that if they have not already addressed it, it can be quickly and efficiently addressed in Family Docket.

The issue of the inability to file a Notice to Disclose in a Family Law Act matter where no action has been commenced has been raised by a member of the Bar. This has been raised before and we will attempt to address as quickly as we can.

The other two important things that we ask you to be prepared to address in Family Docket are: first, if a matter is being scheduled for chambers or special chambers, determine in advance if there will be a cross application or if questioning is required. This will facilitate the scheduling process and reduce the need for Fiats; second, where a matter is being scheduled for an EICC, determine if you require a longer time slot for an EICC.

Chambers and special chambers are longer than we would like, especially in Edmonton. This is a result of the pandemic restrictions and the corresponding demands on our Courts. We will try to reduce lead times as much as possible after we no longer have the current pandemic restrictions.

3. Divorce Act Changes

The current turnaround time for desk divorce applications is 2 – 4 weeks in Edmonton and 3 weeks in Calgary.

There was unfortunately no grace period after March 1, 2021 for the application of the Divorce Act amendments, so we made every effort to process the desk divorces that had been submitted prior to March 1, 2021.

We could not process the applications that had not yet received a Clearance Certificate from Ottawa and there were some rejections, so in those files that involved children, the applications had to be returned with a request to amend the Divorce Judgment so that it complied with the Divorce Act amendments.

The Divorce Clerks are familiar with the new forms, including the new Divorce Judgment template and will reject the application if the new form requirements are not met. This includes parenting

plans and relocation clauses, as well as the parenting time and decision-making responsibility wording in the Divorce Judgment.

One member of the Bar has expressed concern about lawyers being forced to use template forms without the flexibility to amend the form as required so that it applies to the file's specific circumstances. In response, the consistency in forms – consider that many are filled in by self-represented litigants – is key to efficient processing of your divorce applications. The detail in some of the current forms was required precisely because not enough information was being provided by Applicants. For example, current income information was often not provided, and information required under s. 9(b) and (c) of the Guidelines was previously most often left out. A template form was seen as the best solution to prompt the person completing the form, to provide all of the information that Court requires when considering a desk divorce application.

We have experienced some frustrations from Bar and Clerks alike related to the FL-23 Affidavit of Applicant. That form underwent extensive revisions after more than 2 years of review by the Family Law Rules Advisory Committee and was put on the Court's website on late last year, with a request that it be used effective January 1, 2021. It was revised with the Divorce Act amendments in mind. The template is 11 pages long.

The 2 things that I have been asked to address with you today, are deletions from the form and the use of N/A (not applicable).

For deletions, the Family Law Steering Committee of the Court has made the decision that the only things that can be deleted - and only in cases where there are no children - are clauses 14 to 17 (5 pages), but we ask that you do not change the numbering on the form when you make that deletion. When clauses are deleted or numbering is change, it slows down the review process for both the Divorce Clerk's office and the Justices, because we don't immediately know what you have deleted and we need to check to make sure that it was not something that we feel is important for us to know. For example, if there are no children, you cannot delete the paragraph that indicates whether or not there are children of the marriage, because we need that evidence.

Putting "Not applicable" or N/A also creates a problem for the reviewing Clerks and the Justices. As an example, the Divorce Act requires that in a proceeding for corollary relief, the Court has a duty to consider if a civil protection order, child protection order or order, proceeding, undertaking or recognizance in relation to a criminal matter are pending or in effect. Putting "not applicable" is not appropriate because it does not tell us what we need to know. Words to the effect that "there are no such proceedings" gives us what we need to know.

I would point out that paragraph 17 of the Affidavit of Applicant, child support arrangements, requires that you complete subparagraph (g) only if the proposed amount of child support is different from the child support guideline calculations. That subparagraph is 2 pages long. There is no need to write in anything if your child support amount is consistent with the guidelines.

On the issue of service, we are aware that a practice had developed in Calgary, where lawyers were admitting service of the Statement of Claim for Divorce. This is inconsistent with the Rules of Court. For those files where this happened before January of 2021, your application won't be

rejected for that reason. Since January of 2021, there has been an expectation that if a lawyer serves their client, they will complete an Affidavit of Service with photo of Defendant attached.

As before, please be careful to include in your Statement of Claim for Divorce, any relief that you are seeking (including the new relocation provisions and method of notice) in case the Defendant does not respond and is noted in default.

Moving on to the matter of parenting plan, pursuant to section 16.6 of the Divorce Act, the Court must include in a parenting order or a contact order, any parenting plan submitted by the parties unless, in the opinion of the Court, it is not in the best interests of the child to do so. A parenting plan is defined as a document or part of a document that contains the elements relating to parenting time, decision making responsibility or contact to which the parties agree. For this reason, if the parties have a document that sets out their parenting plan, that document must be attached to the Divorce Judgment – if it is very simple, you can include those terms in the body of the Divorce Judgment – if the parties feel that it is not in the best interests of the child to attach their parenting plan to the Divorce Judgment, then the reasons should be indicated in the Affidavit of Applicant.

4. Early Intervention Case Conferences

With the support of Chief Justice Moreau, we are now doing 19 EICC's each week. In response to your requests to have longer EICC slots available, we are booking longer EICC slots at 2:00. We are also considering expanding the time for 3 morning EICC slots each week (to ½ day).

We have been noticing that in some cases, the EICC's are not being used in the manner intended. EICC's provide the parties with valuable Judge time and this should be used to facilitate resolution on as many issues as possible. If the disclosure required for the EICC has not been provided or Counsel have not tried to resolve as many issues as possible, the EICC becomes a Rule 4.10 case conference and the opportunity for judicial assisted resolution is wasted.

So, we are asking the Bar to prepare for an EICC with the goal of using the EICC Justice to help the parties resolve one or more of the issues that are in contention.

This does not mean that you provide a binder of material for the Justice to read like you would for a JDR. Quite the opposite – it means that Counsel works hard to resolve as much as they can and they then advise the Justice in their EICC Summary, exactly what points the Justice needs to focus on.

We are contemplating requiring EICC Summaries to be provided a bit earlier and staggered so that the Applicant files first and then the Respondent can respond. Watch the Court's website for any Announcements in this regard. It will also be indicated on your Family Docket Court Endorsement if this change occurs.

5. Chambers

We have had instances where a party or Counsel does not file any documents for chambers, the belief apparently being that what was filed for Family Docket Court is enough to put the matter before the Court in chambers. We are trying to do a better job in Family Docket (especially with self-represented persons) to be very specific on what must be done to go to chambers, but I was asked to remind Counsel on this as well.

The other issue we have had, is an applicant or a respondent not respecting the parameters put on the chambers appearance by the Family Docket Justice. If a matter is sent from Family Docket to chambers for a 20-minute application to deal with interim parenting and child support, then the applicant (or the respondent by way of cross-application) should not be trying to add spousal support, exclusive possession of the home, and school selection for the children to the application.

This occurs due in part to a lack of preparation for Family Docket Court. We know that some lawyers feel that Family Docket is an unnecessary step, but it is allowing us to better manage our limited court resources and it should be respected. So please be prepared for Family Docket so that we can work together to ensure that we allow enough time in the process selected, for your matter to be heard. This applies to setting deadlines as well. I will mention Fiat applications in a moment, but we are getting far too many applications for Fiats to change PN 2 deadlines or deadlines that were set in Family Docket Court. Though some of these requests relate to an unanticipated circumstance, many arise as a result of a lack of proper preparation for Family Docket, and the parties later realize that they did not allow enough time for certain steps. Know your file and if you must send someone in your place, make sure they know the file for Family Docket Court.

I have also been asked to address the sending of orders directly to the Justice who granted them. The system has been trying hard to get to the point where Orders can be turned around quickly if submitted through the usual qbfilling email address, provided the correct naming conventions are used. Those naming conventions are available on the Court's website and your legal assistants should have quick access to them. If the order is time sensitive, please include the word URGENT in the subject line of your email when it is sent. Having one way in to the system to process things, does make it more efficient. We have seen lawyers send the same document in for filing up to 7 times. Though this may be happening in response to a system that is different than the pre-pandemic system and a system that is overloaded and therefore slow, you will appreciate that sending the same document in multiple times is contributing to slowing our processing times.

There will be times when a Justice asks you to send an Order directly to that Justice (through their Judicial Assistant) for signature. Those are usually done for time sensitive orders, including protection orders. Aside from those occasions, you are asked to send your orders in through the qbfilling system for signing and processing. One advantage of doing so, is that the order will be signed and filed and then returned to you. When an order is sent to the Justice directly, you may get it back signed within a day or 2, but you will still have to submit it for filing.

For orders specifically, please do not send your Orders both through the qbfilling system and directly to the Justice. This causes no end of problems because there may be 2 signed orders in circulation.

I have been advised by the Clerk's office in Calgary, that if your Order is marked urgent, you should get it back in 24-48 hours.

In Edmonton, there has recently been a change that allows the Clerk to send the Order to the Justice's SharePoint folder directly rather than having it go through another person – this should speed things up in Edmonton from the current wait of about 1 week on urgent orders.

A final note on chambers materials. Please be reasonable. There have been many instances where a Justice has received hundreds of pages to read for a special chambers application. The highest one that was brought to my attention was 1700 pages. This is just not reasonable. You can not expect the Justice to read 1700 pages for a special chambers application. Your good evidence and arguments will be lost in the volume of materials. Family Practice Note 2 limitations were put in place for a reason and those limitations should be respected.

Before moving on to Hague Service matters, I have been asked by the Family Clerk's office in Edmonton to request that Counsel stop calling the Clerks to see where their email filing is at and to determine the next available date for Family Docket Court. The main line has options that you can select to hear a recorded message for both of these things. Option 1 to check on the date that the Clerk are on for filing and option 2 to check on the next available Family Docket Date. This message is generally kept current and so you should not have to ask a Clerk for this information. There are times when, due to Clerk shortages of the other demands on our Clerks, only one Clerk is assigned to efilng. If that Clerk spends all day on the phone with Counsel, they cannot advance the efilng. Please keep this in mind.

I have also been asked to request that where there is an EICC with 2 Counsel that does not take place in a courtroom with a Clerk, that where the Justice gives leave to proceed to chambers, you contact the Clerk's office to advise them that you have been given leave to proceed to chambers. Otherwise, the Clerk has no way of knowing that this has occurred and so you risk having your matter not show up on the chambers list, or having your documents rejected when you submit them for filing.

A couple of other requests from the Clerks' office – If there is a Legal Aid Certificate, this should be filed at the time of filing an application. If this is not done, it creates more work for the staff when they are later asked to amend the invoice and filed documents to reflect the Legal Aid status and then accounting also has to make changes.

Finally, you are also asked not to use more than one process seeking the same relief. For example, using the urgent request process and then appearing in person in 1001 in Calgary. Duplication of processes means duplication of resources.

6. Hague Service Convention Announcement

Effective April 1, 2021, if you wish to serve a commencement document in a foreign country that is a Contracting State to the *Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil and Commercial Matters* [the "Hague Service Convention"], you must comply with the Hague Service Convention requirements.

This has actually been a requirement for some time – since last March, but it has not been followed, due no doubt to the focus on other processes during the pandemic.

A lot of work was done to make this process easy to understand, including a link to the contracting states, a process flow chart, a list of contracting states with their requirements, including the types of service they permit, and whether their Central Authority requires translation, an instruction booklet, and template Affidavits and Orders. Because these speaking notes will be posted to the Court's website, a link to the Announcement will be included.

<https://www.albertacourts.ca/qb/resources/announcements/service-outside-of-canada>

An important thing for lawyers to know, is that in Alberta, there is currently no Forwarding Authority for documents to be served in another country. We only have a Receiving Authority. Practically speaking, the only authorized Forwarding Authority for most Plaintiffs at this time will be a lawyer. So, you may find that you are being asked to provide this service.

We don't have the time today to go through the highlights of the Hague Service Convention requirements, so you are encouraged to go on to the Court's website and become familiar with these requirements.

7. Urgent Matters

(Processes for Urgent Without Notice Matters, Urgent With Notice Matters, and Fiats)

I will now review with you, the current processes in place for both urgent with notice and urgent Without Notice matters.

Starting with Edmonton – for urgent without notice applications, you contact the Clerk's office. If you contact them the day before you would like your application heard, you will be given filing instructions and you will be put into family chambers the next day.

If you contact the Clerk on the day you wish to be heard, the Clerk will contact the Emergency Duty Justice for that day and, assuming the matter is urgent enough to justify it, the Justice will arrange to hear the matter that day. This process is used only for seriously urgent matters.

In Calgary, for urgent without notice applications, you email Barb Harris with your affidavit in support of the relief you are seeking. Hermosa/Barb will forward the request to Emergency Duty Justice and copy the Judicial Assistant. The Emergency Duty Justice will review the request and their Judicial Assistant will reply to the party with the decision and if the request is granted, any further directions.

For Fiat requests in both Cities, the other party must be provided with notice. Fiat requests through qbefiling get forwarded to a different proxy and the Clerks are immediately notified. Please don't expect same day turn around on Fiat requests during the pandemic. Plan for up to 3 days for turnaround time for Fiats. And please put the Fiat on the document – we get many of these with no Fiat typed on the document.

Turning to Urgent with notice applications, in Edmonton, these requests come through my Judicial Assistant, Ms. Copeman. These are essentially requests to bypass Family Docket Court due to the urgent nature of the matter. There are designated Justices who review these requests. If

approved, the Applicant is asked to contact the Family Clerk to arrange a date as well as for the urgent filing of documents. Unfortunately, we have had situations where an approval to bypass Family Docket Court has been given and then the Applicant does not contact the Clerk's office for a month or at all. Therefore, effective immediately, if you are approved to bypass Family Docket Court and asked to contact the Clerk's office to arrange a chambers date, you will have 3 days to do so, failing which your approval will no longer be effective.

In Calgary, requests for urgent with notice hearings to go Barb Harris and then Barb/ Hermosa will forward the request to the Emergency Duty Justice with a copy to their Judicial Assistant. The Emergency Duty Justice will review the request and the Judicial Assistant will reply to the party with the decision on whether the request is approved along with such further direction as required, including the chambers date or if required, an immediate hearing by the Emergency Duty Justice.

A concern has been raised by the Bar in the context of these urgent requests, that members of the Bar are communicating with the Court without advising the opposing party in advance of their intention to do so. The opposing party is only copied on the request and the concern is that the opposing party is not being given a reasonable opportunity to respond before the Court makes a decision on the urgent request.

The Law Society Code of Conduct must be followed, even with pandemic protocols. This includes advising the other party before you communicate with the Court and advising the Court that the other party is represented by Counsel. We are currently in the process of reviewing our urgent request protocols and the suggestions that have been made to improve it will be considered. Please watch the Court's website for further Announcements in this regard.

8. Consent Orders (Shortening PN2 Deadlines; Pension Division Orders; Severance)

When submitting a Consent Order, because you are not in chambers and we can not ask you questions without rejecting your Order, please include in the preamble of the Order, a bit of an explanation as to why the Order is being sought. This applies to all Consent Orders, but in particular 3 types of Consent Orders have been identified to mention today.

The first is a Consent Order shortening PN 2 deadlines or deadlines set by the Family Docket Justice. There must be a good reason for extending the deadlines. When you just submit a Consent Order with no explanation in the preamble, your Order is more likely to be rejected. As I indicated earlier, we are getting way too many Fiats and Consent Orders changing timelines for filing – better preparation for Family Docket Court will alleviate this problem somewhat.

The second type of Order than needs something more in the preamble, is a Pension Division Order. Please have the pension administrator review these Consent Orders in advance and indicate in the preamble, that the Order has been reviewed by the pension administrator. This is something that we would ask in chambers, and we would still like to have this information.

Thirdly, Consent Orders for severance of the divorce from the corollary relief need an explanation in the preamble as to why this is necessary. It should include an indication of whether the property has been dealt with, and if not, whether there are any pensions or corporate interests to be

divided and that may be impacted by the severance. In light of the dismissal for long delay issues that have arisen on some of these files, this issue should also be addressed, including whether or not there is a litigation plan in place for the property and corollary relief. Severance orders are not automatically granted because Counsel consent to them. You have to sell it to the Court.

A question that we received from a member of the Bar, is whether Consent Orders can be submitted for the Judge's signature without attending in person. The answer is yes – in person appearances are discouraged during the pandemic. The same member asked if an Affidavit of Execution is required for a self-represented litigants who signs a Consent Order and the answer is yes. Nothing has changed in this regard.

9. Clerk Shortages (Todd Nahirnik)

The clerks' offices of Queen's Bench Administration (QBA) wishes to thank the Bar for their continued patience as we work through improving backlogs and filing delays.

QBA is committed to resourcing the increased demands created by the pandemic. For example, some of these demands relate to additional resources required to run offsite jury selections and trials and additional resources are necessary to manage email filing systems, which are much more labour intensive. Email filing requires clerks to perform additional administrative tasks, including the printing of emailed documents, electronic stamping of documents, and possibly uploading the documents to a SharePoint site for judicial consideration.

To address these increased demands, QBA has been actively filling vacancies and added resources to address pressure points created by the pandemic. These resources include:

- 16 clerks to address offsite juries across the province;
- 5 clerks in Edmonton and 3 clerks in Calgary for general filing;
- An additional manager in Edmonton hired to oversee the email filing processes and technological solution development;
- Clerks working overtime and resources in Calgary being used to address Edmonton backlogs.

Additionally, we have restructured key areas of our clerks' offices to achieve better efficiencies.

We have started to see improvements in both processing times for Masters/Justice Chambers and general filing in Edmonton. QBA realizes there are still various pressure points in Edmonton, and in particular, in the family area of the Edmonton clerks' office. Several steps have been taken to address this.

Recently, we worked extensively to explore realignment of the current family clerk resources in Edmonton to mirror the system in place in Calgary. In Calgary, all chamber applications - family and civil - are processed through a single applications team. The advantage with this system is that these resources are better insulated from other clerk duties like counters and court. One of the challenges faced by the family clerk team in Edmonton is they have court and counter responsibilities. In March, Edmonton established a new dedicated chambers team, which has

produced much better results. We are currently looking to expand the work of this team to include family chambers materials, and other family documents.

We are also working with Information Services in Resolution Services to see how we can better work with their team. With lawyers now email filing, our counters are seeing more self-represented individuals. We are discussing ways our offices could work more efficiently and avoid duplication.

Finally, I wish to share some positive developments regarding ongoing work through the Justice Digital initiative that will help bring further relief to the email filing situation. Commencing under Budget 2019/20, the Government of Alberta allocated \$38 million over five years to Justice Digital to pursue significant modernization of the court and justice systems. Justice Digital service designers have been working on a more sophisticated web-based intake system for filing documents. While the system will not be a fully functional e-filing system quite yet, it will serve as a key building block for the development of further advances towards a true e-filing system. The system being designed contemplates lawyers uploading documents into a web-based portal that would then automate many of the invoicing, stamping and return email functions that are time consuming for clerks. Current planning anticipates a testing version will be ready this summer with implementation to follow.

10. Adjournment Process (Family Docket; Chambers; EICC's; Special Chambers; Resolution Counsel)

Both Edmonton and Calgary can adjourn Family Docket Court using the online form, which allows adjournments for specific reasons. In Edmonton, the request must be made 10 days in advance so we can use the date for someone else. In Calgary the request must be made 5 days in advance.

For both Edmonton and Calgary, morning chambers can be adjourned by consent of all parties, 5 days before chambers.

To adjourn a special chambers matter, an EICC, or a Resolution Counsel meeting in Edmonton, leave is required. You contact the Family Clerk and they will refer the adjournment request to the Special Chambers Coordinator if a Justice has already been assigned. Peggy tells them who the Justice is and they make the request directly. If no Justice has been assigned, those leave requests are usually sent to me or to one of the other designated Justices.

To adjourn a special chambers matter in Calgary by consent, parties must notify Michelle. If the adjournment request is contested, the request can be addressed in either Family Docket Court or through the Emergency Duty Justice, depending on timing.

To adjourn an EICC or Resolution Counsel meeting in Calgary, you contact the Court Coordinator.

11. Scheduling Trials, Summary Trials, and Oral Hearings

As was announced on October 1, 2020, to request a Family, Civil or Commercial trial or full day special, you must complete the Family, Civil and Commercial Triage Form in full. The form is available on the Court's website. The link will be included with these speaking notes.

<https://www.albertacourts.ca/qb/court-operations-schedules/triage-form>

The Trial Triage Form does not eliminate the need for parties to comply with Alberta *Rules of Court* requirements. For Civil, Family and Commercial trial booking requests, parties must have filed a Form 37 or an Order directing the matter to Trial or oral hearing, have paid the required trial fee and addressed the dispute resolution process requirements in accordance with ***Alberta Rules of Court 8.4 and 8.5***.

12. New MEP Program for Lawyers

The Maintenance Enforcement Program (MEP) and the Child Support Recalculation Program (RP) announced in January, a new service to assist family law lawyers who are drafting child and spousal support orders that will be administered by the MEP and/or RP.

Family Support Order Services (FSOS) are available to answer questions about how these programs administer spousal support, child support, Section 7 expenses or court costs. They can also provide input on how a draft clause would be administered by either MEP or RP. Questions and inquiries can be sent to the FSOS Standards Unit at jsg.fsos@gov.ab.ca.

This inbox is monitored daily, and staff will do their best to have a response to you within 3 business days.

Questions about specific MEP files should still be directed to the file's Case Officer. To connect with the Case Officer, call the MEP's Employer and Lawyer line at [780-401-7651](tel:780-401-7651) (dial [310-0000](tel:310-0000) first, if calling from outside the Edmonton region).

13. Court Decorum for Webex

We have been asked to remind the Bar that when you are on Webex, your appearance should be similar to what it would be if you were appearing before the Court in person. This includes not only what you are wearing, but what you are doing – e.g. drinking coffee. Most of you are very good about this but we have had a few issues in this regard.

I will move now to address some of the questions and concerns that we received in preparation for this Town Hall meeting. As with the speaking notes, the questions, including the ones coming through on the chat function today, that have not already been answered, will be answered and the questions and answers posted to the Court's website.

14. Questions/Feedback from the Family Bar

1. One question we received relates to Clerk error and how those errors might be remedied. The same member suggested that Clerks used to be more collegial but that there has been a shift that puts the Clerks and the Bar at odds with each other. The member suggested that there is no mechanism to voice concerns.
2. In support of the Clerks, I can tell you that our Clerk shortages combined with the additional load that has been put on the Clerks in the transition between two systems –

paper and electronic – has made the Clerk's lives unbearable at times and has reduced morale significantly. As with all participants in the Court system, the Clerks are working very hard in difficult circumstances to keep things going during the pandemic. Unfortunately, they often bear the brunt of frustrations felt by lawyers and by self-represented litigants. As far as a mechanism to voice your concerns, the qb.family@albertacourts.ca is monitored and complaints and suggestions for change are brought to the attention of the Chief Justice and where applicable, Queen's Bench Administration.

3. Another question relates to what happens when a PN 2 filing deadline is a non-sitting day – PN 2 provides that for deadlines that fall on a holiday, the deadline is the working day immediately before the holiday. The question was whether PN 2 applies to filing deadlines for a trial. A follow up was what is the difference between a one-day trial and a one day domestic special with viva voce evidence? A domestic special for interim relief that proceeds as an oral hearing is caught by PN 2 unless the Justice who gives leave for that process says otherwise. A true trial or summary trial to achieve a final result is not caught by PN 2. PN 2 applies to chambers and special chambers application – interim relief.
4. A question was raised about whether serving of unfiled documents will always be deemed good service. The lawyer asked about an originating document such as a Statement of Claim for Divorce. For an originating document, it is unlikely that serving an unfiled version will be good service. For chambers documents, serving unfiled documents is more a courtesy than anything else because you want the other side to have what they need to respond. Whether service is sufficient will ultimately always be up to the Justice hearing the matter.
5. A question was raised on when documents submitted through the efilings process are marked as filed – the date received or the date filed. My understanding is that they are stamped filed on the date received. I have brought this to the attention of QB Administration and they will address the issue of consistency across the Province.
6. One member of the Bar asked whether it is possible for Counsel to submit a joint list of justices to preside over a family law trial. The answer is no – we don't have the resources to be able to do this.
7. Someone asked what resources are available to self-represented litigants to which opposing Counsel can direct them. A simple google search of "self-represented litigants Alberta" will allow a self-represented litigant to find what is available. They can also be referred to Calgary Legal Guidance, Edmonton Community Legal Centre, Legal Aid Alberta, and Centre for Public Legal Education Alberta, which has recently updated their website to include all information required to understand the Divorce Act amendments – in both official languages.
8. One lawyer raised an issue with respect to lawyers not advising opposing Counsel about the date that they were given for Family Docket Court until 5 days before the application when they received the date 4 weeks or more before the application. This is a matter of common courtesy to your colleagues. There is not much more to be said about that.

9. **Q. A member of the Bar has raised an issue regarding the limited reasons for adjourning a matter in Family Docket Court and has suggested that we add as a reason, a conflict with another court date.**

A. We will consider this.

10. **Q Please advise whether a recording will be made available so that I may review what I have missed.**

A This Family Town Hall was not recorded, however speaking notes and Q and As are available on the Court's external website here: <https://www.albertacourts.ca/docs/default-source/qb/virtual-family-town-hall>

11. **Q How do we contact the Clerk's office to confirm we have permission to go directly to Chambers?**

Counsel should be aware when they have permission to go directly to Chambers as permission would have to be given by a Justice by either allowing the matter to bypass FDC or granting an Order or Fiat to bypass FDC, and proceed directly into Chambers.

12. **Q If the party to be served with a statement of claim for divorce overseas can be shown to consent to some other way of receiving service, can a sub service and ex parte service order still be granted at an ex parte hearing in QB court? The information on the court website states that this may or may not work.**

A It is always the presiding Justice's discretion to determine whether the consent to receiving alternative service will result in a substitutional service and ex parte service order being granted at an ex parte hearing in QB.

13. **Q Some desk divorce packages are being rejected without reasons. Can we get the "reasons for rejection" form back? Desk divorce packages are being rejected multiple times with one reason identified the first time, another reason identified the second time, etc. Again, the "reasons for rejection" form could solve this problem.**

A The clerk should provide the Justice's reason for rejections upon return. If this is not happening, we would encourage counsel to reach out to the divorce department so we can locate those reasons and provide them to counsel. The Clerk's reasons for rejection form should be included with the rejection.

The Divorce Clerks in Edmonton provided us with the following list of common rejections for desk divorce applications:

- Summary of Child Support Guideline Calculations:
 - Not being included in the Divorce Package.
 - Payor and Recipient are being mixed up.
 - Departing from Guidelines reasons not being included in the preamble. In some cases, stating not departing when they are departing.
- Short Marriages:
 - Explanation or reason should be stated in the Affidavit of Applicant for the short marriage (less than 6 months) or a Supplemental Affidavit should be provided explaining the reasons for the short marriage.
- Affidavit of Service:
 - Exhibits are being marked incorrectly or not marked at all.
 - Exhibits are not attached.
 - Exhibit date does not match the Jurat date.
- Affidavit of Applicant:
 - Previous orders not attached.

- Exhibits are being marked incorrectly or not marked at all.
- Exhibits are not attached.
- Exhibit date does not match the Jurat date.

- Request for Divorce:
 - Counsel should be indicating who they are representing if they are filing the Request for Divorce on behalf of their client.
 - Date of Service, who served and who was served are wrong.
- Divorce Judgments:
 - Missing mandatory clauses: MEP Clause, Disclosure Clause or Re-calculations Clause.
 - Where the divorce action was combined with a matrimonial property action, the preamble of the Divorce Judgment should indicate the status of the matrimonial property division.
 - Child Support – no commencement date.
 - orders for tax treatment related to deductions or child support, including orders that are “creative” in how child support is being paid to attempt to get a tax advantage.

14. **Q FYI. Some pension administrators refuse to approve the orders in advance. Canada Post Pension Plan Administrators (and others) will not review Pension Orders. Same with Federal pension plans. Shell Canada as well. And anything administered by Moreau Sheppell. Feds have also refused to divide without an original certified true copy.**

A If this is the case, then the preamble should include a clause that lets the Court know. This might include a statement that all reasonable steps were made in advance to have the administrator approve the order and/or use was made of the standard template provided by the administrator. It is always the presiding Justice's discretion to determine whether the steps taken are reasonable/acceptable.

15. **Q The Word "Urgent" in the naming convention for e-filing is ignored or not treated as urgent when sent for filing.**

A See RCAS' Email Filing Procedures & Naming Conventions, including use of the term “Emergency” for urgent matters: <https://www.albertacourts.ca/qb/resources/announcements/new-email-filing-procedure>

Urgent matters should include an explanation as to the nature of the urgency. If this is not included, your document will be put into the regular filing queue.

16. **Q We can't contact the clerks for any reason; they don't answer the phone. How can we contact them for any of the above (urgent issues, permission for chambers, etc.) and for issues with rejections? They have advised they do not respond to emails. Their rejections aren't clear and we don't know how to correct.**

A Please see attached contact sheet

17. **Q When will we see trial dates for Fall 2021? Family 2-day trials or more than 2 days.**

A The QB Pandemic Response Committee and ad hoc Scheduling Committee are closely monitoring the rise in active COVID-19 cases (including variants) and will announce fall trial date availability on our external website here: <https://www.albertacourts.ca/qb>

18. **Q Why can't desk divorce application documents be sent via Adobe Cloud?**

A RCAS' Email Filing Procedures & Naming Conventions use a one portal approach to enable documents to be automatically forwarded to the appropriate staff for handling. Enabling application documents to be sent in via Adobe Cloud or any other electronic means would disable automatic forwarding.

19. **Q Re: E filing, we have had this happen twice now where emails sent for filing have been deleted. One was just discovered today. We have now been told that the Statement of Claim**

needs to be resent for filing (after the first email was deleted) and that it will be dealt with in due course rather than expedited. How is it that emails are being deleted and why in situations like this, where an email was deleted, cannot it not be expedited?

A Should this situation occur, the best practice is to resend the document for filing to the appropriate jurisdiction with the previous emails attached so the clerk can locate the filings you are inquiring about. Please title the email "Inquiry" so the clerks know that this submission requires special attention.

20. Q What is the procedure for adjourning a docket date?

A <https://albertacourts.ca/qb/areas-of-law/family/adjournment-request-FDC>

21. Q When a document is rejected, we are asked to resubmit which brings your document to the end of the list. Is there a way to have a faster processing option for resubmitted document?

A Documents rejected through email filing are treated just as documents that were rejected prior to email filing becoming available. The document must be resubmitted and are treated like a new submission. When counter filing was available, resubmitted documents were not prioritized, nor were they with fax filing submissions.

22. Q Some Self reps are able to file documents even with a Family docket date and Counsel following the Practice notes are unable to do so prior to docket dates. Can this be prevented or can we request that the document be disregarded for non-compliance?

A You may request that the document be disregarded for non-compliance. It is the presiding Justice's discretion to determine whether the document was submitted in a non-compliant manner and if so, how to handle/regard that document.

23. Q Does the QB Court anticipate Trial adjournments similar to what has happened in Provincial Court?

A The QB Pandemic Response Committee and ad hoc Scheduling Committee are closely monitoring the rise in active COVID-19 cases (including variants) and will announce any hearing suspensions as may be necessary on our external website here: <https://www.albertacourts.ca/qb>

A number of protective steps have been taken since the first Master Order was issued in March 2020 that suspended non-emergency QB proceedings. Our courtrooms throughout the province have been outfitted with plexiglass. Social distancing signage, mandatory mask wear requirements, COVID screening and cleaning protocols, and AHS-mandated close-contact notification and deep cleaning protocols in the case of a positive test result are in place in all of our judicial centres. Moreover, virtually all our Court hearings that do not require viva voce evidence are being conducted remotely.

24. Q What is the current status with JDRs? No JDRs? Non-binding only?

A See <https://albertacourts.ca/qb/court-operations-schedules/scheduling/judicial-dispute-resolution>

25. Q Would it be possible to permit counsel to file orders in person for urgent matters? Or set aside one morning per week and have a clerk at the counter with a designated till for counsel only so we could bring urgent orders that have been signed by the Justice to get filed. Say Wednesday mornings each week, counsel could appear to have urgent orders dealing with the following issues filed in person?

A The QB Pandemic Response Committee is closely monitoring the rise in active COVID-19 cases (including variants). Given the need to minimize traffic at all courthouses, Counsel and parties are reminded that, unless a matter is truly urgent (ie. unless the document must be filed on the same day) all documents must be filed by email. Court clerks are being directed to reject paper filings unless the document must be filed immediately. All Orders are to be submitted via

email. The Court is tracking the materials that are filed on paper and in person at court facilities and individuals who are filing non-urgent materials may expect to hear from the Court. See: <https://www.albertacourts.ca/qb/resources/announcements/covid-19-extension-of-measures-to-limit-traffic-at-court-facilities>

26. Q I am about to proceed to docket court try to set a matter down for a summary trial. This is my understanding, and questions, of how to set a summary trial under the various court announcements and the Rules.

- i. The October 1 announcement specifies that in family matters, leave of the Docket Justice is required before filling in the Trial Triage Form. The self-rep on the other side will have received notice of the docket court, and has the ability to attend docket.
- ii. File Form 36 and supporting affidavit thereafter. The court coordinator or docket justice will tell me what date is available for the summary trial.
- iii. I think you wrote in your article that the \$600 fee to set for trial is paid with the form 36, and will be no need for second payment of \$600 if the matter is sent to a regular trial (with a Form 37).

Am I Correct?

A Yes

- iv. **Will the self-rep on the other side be allowed to argue in docket court against leave being granted, as though this were his time to "object to application for summary judgment" in Rule 7.8?** There has been no Form 36 & supporting affidavit filed yet, and I'm not supposed to need consent of the other side, or court order, before setting a matter down for summary trial.

A It is presumed the presiding Justice will hear from the SRL in determining whether to grant leave for summary trial/judgment. If necessary, the Family Docket Justice can send the matter to chambers for a determination on the issue of whether or not the matter is suitable for a summary trial.

- v. **Am I still required to fulfill the mandatory ADR rules, even though this is a summary trial? If so, is it the Docket Justice who can grant an order to dispense with the mandatory ADR requirement, and based on what evidence?**

A Although Part 7 Division 3 of the Rules of Court does not include a rule equivalent to Rule 8.5 for summary trials, Rule 4.16 does make it the responsibility of the parties to participate in one or more dispute resolution processes. Therefore, while a dispute resolution process may not strictly be required before applying for a summary trial, it is certainly encouraged and a Justice may direct it in Family Docket Court or may exercise their discretion to dispense with the mandatory ADR requirement on evidence deemed appropriate by the presiding Justice.

- vi. **The Oct 1 announcement specifies that the hearing (summary trial) would be conducted by video conference if there is no oral evidence. Summary trial has no oral evidence unless special permission has been sought in advance.**

A In addition to the requirements identified above, a Summary Trial Order should also be completed by Counsel: <https://www.albertacourts.ca/qb/areas-of-law/family/family-law-forms>

27. Q We are receiving some rejections on desk divorce packages that do not make a lot of sense to us. Can the court comment on the rationale behind these rejections?

1. *You have to use the wording on the court form and in that exact order. For example, Paragraph 3 has to stay in the same spot in the Judgment and has to say "The decision-making responsibilities for the child(ren) of the marriage shall be allocated between the Plaintiff and the Defendant as follows: The Plaintiff and the Defendant shall share all decision-making responsibilities." You cannot just say "The Plaintiff and the Defendant shall share all decision-making responsibilities."*
2. *If there is no parenting plan, you still need to include Paragraph 4 and say "The Plaintiff and Defendant shall be bound by the following terms of the parenting plan attached as Schedule "A" to this Order: There is no parenting plan."*

These rejections are particularly confusing when the court form notes: ***“(Add corollary relief clauses as appropriate in the circumstances, numbered consecutively - see clauses below. Note: The clauses inserted below are provided as a guide and are variable – choose those which apply, delete those which do not apply, and make any changes that are appropriate in the circumstances.)”***

3. *Affidavit of Applicant, Paragraph 12: You cannot write “Not applicable” you have to write a response to each of the 5 points, for example “There are no current criminal charges against me” and “There are no conditions that I am required to follow in relation to criminal proceedings.”*

A Consistency in forms is key to efficient processing of your divorce applications. Many forms are completed by self-represented litigants. The detail in some of the current forms is required because not enough information is being provided by Applicants. For example, current income information is often not provided, and information required under s. 9(b) and (c) of the Guidelines is often left out. A template form was seen as the best solution to prompt the person completing the form, to provide all of the information the Court requires when considering a desk divorce application.

The only items that can be deleted - and only in cases where there are no children - are clauses 14 to 17 (5 pages), but we ask that you not change the numbering on the form when you make that deletion. When clauses are deleted or numbering is changed, it slows down the review process for both the Divorce Clerk's Office and Justices, because we don't immediately know what you deleted and we need to check to make sure that it was not something that we feel is important for us to know. For example, if there are no children, you cannot delete the paragraph that indicates whether or not there are children of the marriage, because we need that evidence. Putting “Not applicable” or N/A also creates a problem for the reviewing Clerks and the Justices. As an example, the Divorce Act requires that in a proceeding for corollary relief, the Court has a duty to consider if a civil protection order, child protection order or order, proceeding, undertaking or recognizance in relation to a criminal matter are pending or in effect. Putting “not applicable” is not appropriate because it does not tell us what we need to know. Words to the effect that “there are no such proceedings” gives us what we need to know.

28. **Q Why are we letting precedent forms take over our practice and taking away the trust of counsel to do things the right way?**

Respectfully, should not the family bar be trusted to include those terms and provisions that are applicable to our application? There used to be precedent order provisions available to the bar to be used as required. Can we not have a checklist and a choice of provisions for our affidavits and order and use only what is required?

A See above.

29. **Q Is it still accepted that the forms required are as prescribed in the Rules of Court rather than the pdfs that appear on a website from time to time?**

A The PDF Forms that appear on the Court's external website <https://www.albertacourts.ca/qb/areas-of-law/family/family-law-forms> are more up to date and therefore are preferred to the Forms prescribed in the Rules of Court. Some of the forms have been placed on the Court's website to assist the parties or to support our processes, which have changed in some respects since the pandemic. It takes a significant amount of time for a form to be incorporated into the Rules of Court (where appropriate), so using the forms on the Court's website will ensure that you are always current.

30. **Q While certain clauses are indeed prescribed as mandatory unchangeable clauses (such as MEP and tax information exchange clauses and now three (and why three?) clauses prescribing a manner of notifying of change of residence where children are involved), is it still accepted that any clause that is not so prescribed as mandatory is not just a fill-in-the-blank or tick-box boilerplate clause that is part of a prescribed form but can still be**

creatively changed to suit the circumstances, in particular to actually suit what parties have agreed upon?

If that is the case can we have direction on what clauses of the new Divorce Judgment and what clauses of the new Affidavit of Applicant are considered to be clauses that cannot be changed under any circumstances?

A See above.

31. **Q** The text of the Affidavit of Applicant form now goes on 19 pages or so. For pretty much all divorces there are many pages of text that are not applicable to the particular divorce. Do all paragraphs of the "form" need to be included even if they are not applicable? For example where there are no children the document could (and should I submit?) be pared down to about three pages.

A See above.

32. **Q** If we should still be required to include all such paragraphs of text that are not applicable to the particular divorce will it be acceptable at least to use a strike-through font for those paragraphs that are not applicable, with a view to facilitating the comprehension of the words that our clients are swearing to?

A See above. Striking out clauses is acceptable as long as the underlying words can still be read.

33. **Q** Is it considered that there is a difference in the meaning of the words "Not applicable" and "There is none" in respect of responding to the section "PROTECTION ORDERS, CHILD PROTECTION ORDERS OR CRIMINAL PROCEEDINGS OR ORDERS?"

A See above. Everything in the form is "applicable" so a proper response must be given.

34. **Q** Is there a mechanism or protocol to address clerk errors and work cooperatively with the Clerks' Office to remedy errors in an efficient fashion? In the event such errors are not remedied, is there any recourse for counsel?

A Clerk shortages, combined with the additional load that has been put on Clerk Offices in the transition between paper to electronic files has made the Clerk's roles unbearable at times and has impacted their morale. As with all participants in the Court system, the Clerks are working very hard in difficult circumstances to keep matters moving during the pandemic. Unfortunately, Clerks often bear the brunt of frustrations felt by lawyers and self-represented litigants. As far as a mechanism to voice your concerns, the qb.family@albertacourts.ca is monitored and complaints and suggestions for change are brought to the attention of the Chief Justice and where applicable, Queen's Bench Administration.

35. **Q** If a filing date was April 2nd, 2021 (eg. for a two-day trial in my case), the Interpretation Act section 22 states the filing date is the next business day, i.e. April 6th, 2021. Yet my document was rejected, and I was told Practice Note 2 says the filing date, if it falls on a non-sitting date, is prior business day. However, Practice Note 2 does not apply to trials... or does it?

A A domestic special for interim relief that proceeds as an oral hearing is caught by PN 2 unless the Justice who gives leave for that process says otherwise. A true trial or summary trial to achieve a final result is not caught by PN 2. PN 2 applies to chambers and special chambers application – interim relief.

36. **Q** What is the difference between a one-day trial, and a one day domestic special with viva voce evidence? Does Practice Note 2 apply to either, or both, or neither?

A See above.

37. **Q** Is there consensus on when to NOT serve unfiled documents? Will correct service of an unfiled document always be deemed "good service"? E.g. what about a Statement of Claim

for Divorce – is it OK to serve the unfiled copy, or do we need to wait a month for the filed copy and then serve that?

A There has been no change to the Rules on this point. For originating document in particular, the Court has not said that service of an unfiled document is sufficient. The Court has only suggested that unfiled documents for interlocutory applications be served while waiting for the filed documents to be returned by the Clerk (and provided that the documents have been submitted to the Clerk for filing). This is due to the delays in turn around of filed documents and is an accommodation that has been made as a result during the pandemic.

38. **Q Is there an accepted procedure on selecting dates unilaterally, after making efforts, especially with self-represented litigants who simply do not make themselves available for dates, e.g. when trying to schedule a date for FDC, for a Domestic Special, or for Trials?**

A There is no specific Court policy on this. If you expect this to be an issue, then it should be raised in Family Docket when the matter is being directed to a process in those cases where a date has not been selected by the Family Docket Justice. For FDC, the Notice to Attend Family Docket Court form specifically allows for a date to chosen after reasonable efforts have been made to get the agreement of the opposing party for a date.

39. **Q Is there consensus on when documents will be marked by the Clerks as “filed” – is it when they are received, or when they are processed? The practice seems to vary from Courthouse to Courthouse across the Province, with some clerks indicating orders are stamped filed when “processed”, even though their “auto reply” message says they will be stamped filed when “received”.**

A Documents are marked filed by the Clerks on the date they are received.

40. **Q Can there be some consideration to allowing counsel to submit a joint list of justices (for example, 5?) to preside over an upcoming family law trial, as I understand is the practice in criminal law QB trials?**

A Not at this time. The practice in criminal law QB trials referred to in this question is limited to re-elections from jury to judge alone trials. This practice is not practicable in other areas given current volumes and overbooks. With the exception of long trials (6 or more days), we cannot pre-assign Justices to trials.

41. **Q What exactly is being done to reduce the filing delays?**

A Queen's Bench Administration (a branch within Resolution and Court Administration Services, Ministry of Justice and Solicitor General) is responsible for filing. QBA has been hiring additional staff, conducting filing blitzes using paid overtime and redeploying staff from throughout the province to assist in filing backlogs. The Bar's attention to and use of email filing procedures and naming conventions also assists to automatically route email filing to the appropriate area within the Clerk's Office instead of sitting in a general inbox. The email filing procedures are naming conventions are available here:

<https://www.albertacourts.ca/qb/resources/announcements/new-email-filing-procedure>

42. **Q How can qualified persons apply to work as a clerk for the court? (I know of people who would be qualified but don't see job postings in order to apply)**

A The Government of Alberta is responsible for hiring Clerks. Job opportunities with the Government of Alberta are available here:

<https://www.alberta.ca/apply-for-jobs-with-the-alberta-public-service.aspx>

43. **Q What resources are available to self-represented litigants that counsels on opposing side can direct them to in order to help them navigate the new court system?**

A A simple google search of “self-represented litigants Alberta” will allow a self-represented litigant to find what is available. They can also be referred to Calgary Legal Guidance, Edmonton Community Legal Centre, Legal Aid Alberta, and Centre for Public Legal Education Alberta, which has recently updated their website to include all information required to understand the Divorce Act amendments – in both official languages.

44. Q Is there some way to have court file number assigned in FLA cases without first attending docket so that a Notice to Disclose can be filed?

A This issue is being considered by the Family Law Steering Committee at this time. A few ideas are under discussion. Once a decision has been made, the Family Bar and the public will be notified.

In closing, we would like to express our gratitude to the Family Bar for the work that you do and for the efforts that have been made to work with the Court with all of the new initiatives over the past year during this difficult time. It is our hope that this opportunity today will lend to a better understanding of the perspective of the Family Bar and of Court as we move forward.



Alberta Court of Queen's Bench Email Filing Contacts (Updated May 7, 2021)

Jurisdiction	Department	Contact Name	Contact Information (live links)
Calgary	General Filing (Including civil and FLA applications)	Alexa Horabin	Alexa.horabin@gov.ab.ca
	Divorce	Heather O'Hara	Heather.O'Hara@gov.ab.ca
	Criminal	Anita Safari	QBCriminal.Calgary@just.gov.ab.ca
	Surrogate	Title Email "INQUIRY"	surrogateqbfiling.calgary@just.gov.ab.ca
	Desk applications, foreclosures and consent orders	Title email "INQUIRY"	ordersandbillsqbfiling.calgary@just.gov.ab.ca
	Bankruptcy	Title email "INQUIRY"	QBBankruptcy.Calgary@just.gov.ab.ca
	Child Welfare and Provincial Court Appeals	Title Email "INQUIRY"	QBCWA.Calgary@just.gov.ab.ca
Drumheller	All Filing	Melissa Martel	QBCWA.Calgary@just.gov.ab.ca
Edmonton	All Filing	Cara Safieh	Cara.safieh@gov.ab.ca
Ft. McMurray	All Filing	Title Email "INQUIRY"	QBfiling.FortMcMurray@just.gov.ab.ca
Grande Prairie	All Filing	Tanja Rakic	QBfiling.grandeprairie@just.gov.ab.ca
High Level	All Filing	Lucille Pearson	Lucille.pearson@gov.ab.ca
Hinton	All Filing	Cara Safieh	Cara.safieh@gov.ab.ca
Lethbridge	All Filing	Title Email "INQUIRY"	QBFiling.Lethbridge@just.gov.ab.ca
Medicine Hat	All Filing	Title Email "INQUIRY"	QBfiling.medicinehat@just.gov.ab.ca
Peace River	All Filing	Lucille Pearson	Lucille.pearson@gov.ab.ca
Red Deer	All Filing	Stacey Larson	Stacey.Larson@gov.ab.ca
St. Paul	All Filing	Title Email "INQUIRY"	QBfiling.stpaul@just.gov.ab.ca
Wetaskiwin	All Filing	Title Email "INQUIRY"	QBfiling.wetaskiwin@just.gov.ab.ca

Please note the above noted contacts are **only for email filing questions and inquires**.

If you need to set up an email filing account, please refer to the following announcement for contact :

"UPDATED: Announcement from Resolution & Court Administration Services (RCAS): New Email Filing Procedures & Naming Conventions:"

<https://www.albertacourts.ca/qb/resources/announcements/new-email-filing-procedure>