

ADVOCACY 608

Introduction to the Courtroom

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Introduction to the Courtroom

As articling students, your experience in court will likely be in Applications Judge Chambers and Justice Chambers.

There are a number of things you will need to know to make your experience run smoothly.

You may want to attend with one or more senior lawyers in the office to see how things run.

Addressing the Court

There are a number of ways to address the Court, and it depends on the level and type of Court.

Applications Judges

- Address an Applications Judge by their name: “Judge Summers”.
- You can also address them as “Sir” or “Madam”.

Addressing the Court - Continued

Court of Kings Bench Justice

- Address KB judges as “Sir” or “Madam” or “Justice”.
- You can also address the Justice as “Justice Mandziuk”.

Addressing the Courtroom - Continued

Court of Appeal Justice

- Address a Court of Appeal Justice as “Sir” or “Madam”
- You can also address them as “Justice Wakeling”.
- Address the Chief Justice as “Chief Justice Khullar”.
- ❖ Be careful when addressing a panel
- ❖ use the generic “Justices”.

Addressing the Courtroom - Continued

Alberta Court of Justice

- Address Justices of The Alberta Court of Justice as “Your Honour”.
- You can also address them as “Justice Johnson”.

What to do in Court?

- ❖ Stand up when addressing the court.
- ❖ On without notice matters, there will be no one speaking in opposition.
- ❖ On repetitive common matters, be as succinct as possible.
- ❖ On less common matters, have a copy of the law or statute handy.

Decorum

- ❖ Dress appropriately and respectfully.
- ❖ Bow when entering the courtroom when court is in session, and when leaving.
- ❖ In courtrooms where there is a bar between counsel table and the gallery, bow to the Court when passing the bar approaching counsel tables.
- ❖ Only lawyers are entitled to sit in the chairs in front of the bar.
- ❖ Address the Clerk as Madam Clerk or Mister Clerk.
- ❖ If you have something to hand to the Court, hand it up through the clerk.

Decorum - Continued

- ❖ For Chambers, students and young lawyers should defer to more senior counsel in sequence.
- ❖ Do not speak over one another.
- ❖ Stand when speaking and sit when other counsel is making submissions.
- ❖ Do not make facial expressions and other gestures.
- ❖ Remember, the Court can see everything from their elevated positions!!

Decorum - Continued

- ❖ It is important to assist the Court when you can.
- ❖ Have counsel table organized.
- ❖ Have materials ready and available to hand to the Court.
- ❖ Highlight cases where you can.
- ❖ Always thank the Court at the end of the matter.

Gowning

To Gown or not to Gown, that is the question?

- ❖ Chambers, no.
- ❖ Trial, yes.
- ❖ Guidance from the Court, call the clerks.
- ❖ Different in different Judicial Centres.

Gowning – Court of Appeal

- ❖ Counsel are required to gown when appearing before a **panel** of justices at appeal hearings, Panel Applications, and bar admissions.
- ❖ Counsel are not required to gown when appearing before single appeal judge or at the Unscheduled Civil Appeals List or Criminal Speak to List.

Gowning - KB

Effective January 1, 2023

Generally speaking, counsel will be required to gown at any proceeding in which **viva voce evidence** will be heard. For greater certainty, and in addition, counsel are required to gown for all of the following:

- Civil, Family and Criminal Trials, including uncontested divorces, surrogate, estate and dependent adult trials, Emergency Protection Order (EPO) and Protection Order (PO) Review hearings, and assessments of damages;
- Any Special Chambers hearing in which viva voce evidence will be heard;
- **Summary Trials, regardless of whether viva voce evidence will be heard;**
- Hearings under the Reciprocal Enforcement of Maintenance Orders Act and other Hague Convention and inter-provincial hearings;
- Criminal guilty pleas, arraignments and jury selections;

Gowning – KB Continued

- Oral hearings for divorce, regardless of whether viva voce evidence will be heard;
- Judgments, except where gowning was not required for the hearing giving rise to the judgment;
- **Appeals from the Provincial Court of Alberta**, and Surface Rights Board appeals, but not an appeal from the decision of an Applications Judge;
- Adoptions; and
- Bar Admissions and Swearing-in Ceremonies.

Gowning is not required for:

- Pre-trial Conferences;
- Judicial Dispute Resolution (of any type) or Early Intervention Case Conferences (EICC);
- Unless viva voce evidence is intended to be heard, bail, bail forfeitures, remands only and adjournments;
- Family Docket Court;

Gowning – The End

- Any Chambers or Special Chambers hearing (other than an application for divorce) in which viva voce evidence will not be heard; and
- Online hearings, whether or not viva voce evidence will not be heard, unless otherwise directed by the presiding Justice.
- At all times when appearing in court, whether in person or online, appropriate apparel should be worn by all participants, and appropriate decorum should be maintained – the presiding Justice is at liberty to direct what is not appropriate and the consequences thereof.

Counsel with personal circumstances, such as pregnancy, a medical condition or disability, are free to modify their traditional court attire to accommodate their personal circumstances as they reasonably see fit, including dispensing with a waistcoat and tabs. Modified attire must be dark in colour and in keeping with Court decorum. Counsel wearing altered attire are requested to advise designated court personnel (generally, the appropriate court coordinator) in advance of the appearance to ensure that counsel need not discuss their personal circumstances or modified attire on the record or in open court.

In the event that there is any uncertainty in regard to the Court's gowning guidelines, Counsel are encouraged to inquire of the appropriate court coordinator.

Gowning Tip!!!

Check the Court website (consolidated notices to the profession)!

When in doubt, check with the trial coordinators office.

Try them on well in advance!



Kirk / Kelly Advocacy 2023

