

# **Most Common Questions for the Court Clerk**

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For:  
Alberta Civil Trial Lawyers Association  
Weapons in Chambers  
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# Weapons in Chambers

Calgary

# Chambers List Caps

- ▶ Masters Chambers capped at 50 matters per day
- ▶ 1002 Civil Justice Chambers is capped at 35
- ▶ 1001 Family Chambers with counsel is capped at 30
- ▶ 1004 Family Chambers self rep is capped at 15

20 min limit, per application filed before the Court.

Once the list is capped we don't uncap the list. For example, if you adjourn several matters for a specific date we do not then uncap that date.

# Jurisdiction

- ▶ Specific jurisdiction is available at [www.AlbertaCourts.ab.ca](http://www.AlbertaCourts.ab.ca) under Queens Bench > Resources > Notices to the Profession and Public > Court Applications and Master's Jurisdiction - 2016-10
- ▶ Must be indicated on all applications
- ▶ Will be changed by Clerk if incorrect (even after filed)

# Adjournments

- ▶ [www.AlbertaCourts.ab.ca](http://www.AlbertaCourts.ab.ca) > Court of Queen's Bench > Court Operations & Schedules > Adjournment Confirmation
- ▶ Must have consent of all parties, if application has been served.
- ▶ Please say who you represent.
- ▶ Adjournments must be in before 3:30pm the day before, you will only hear back from us if there is something wrong
- ▶ If you miss the cut off you must appear in court to have the matter adjourned (or a new Application must be filed)
- ▶ Adjournments or cancellations for special hearings should go directly to the coordinator, this should be done even if you adjourn the matter in Court.
- ▶ If there is more than one application, specify which Application is being adjourned
- ▶ If a Application was just filed and you want to adjourn the matter, it's helpful if we are given a day or two to get the Application entered. We can't do the adjournment entry, until the Application is entered
- ▶ Notice to Disclose, please adjourn them sine die if their not going ahead, they affect our capped numbers

# Add Ons

- ▶ If your matter is not on the Justice Chambers list, come to the Special filing window on the 6<sup>th</sup> floor
- ▶ We will verify the application is to be added to the list and complete the appropriate paperwork
- ▶ Your matter will be added to the end of the list

# CHECKING IN

- ▶ It is a good idea to arrive 10 min early, if there is something wrong we can sort out the error prior to the list starting
- ▶ If you are working on a consent order, let the clerk know. The Clerk can let the Justice know, and this could prevent the matter from being struck
- ▶ In morning chambers we ask that when your matter is called, you state your name for the record and spell your name, SLOWLY. You don't need to check in prior to your matter being called
- ▶ For special hearings we ask that you check in as soon as you can, 10 min or so is appreciated and so are business cards. You should still state your name for the record, we know who you are but TMS doesn't

# EXPARTE APPLIC and CONSENT ORDERS

- ▶ If your Application is by consent or exparte it is preferred you drop of your Application with the Orders and Bills Clerk on the 7<sup>th</sup> floor. Often times it can take up to an hour before we get to the actual list. This is becoming a more frequent request of Justices in Court
- ▶ Even if you have given notice and the matter isn't necessarily exparte we still need the exparte sheet. The forms name is a bit misleading. If your matter is not on the list, we need the sheet
- ▶ We prefer you hand us your exparte sheet up with your form of Order or after your submission, rather than before Court starts
- ▶ If you can bring a draft order, its always helpful to the Court
- ▶ Reading consent orders onto the record, this is quite onerous on us, because the Order is not yet signed, we need to type it verbdom. If you can drop this off instead of reading it onto the record, that is preferred. If it needs to be done, speak clearly and slowly



# ORDERS for SIGNING

- ▶ Dropped off with the Orders and Bills clerk on the 7<sup>th</sup> floor, specialized services, who will pull clerk's notes to match the order
- ▶ 9.4(2)(d) (clerk can sign) is invoked she will compare notes to the order, if they match she will sign, if they don't match or there is a discrepancy, she will send up the Justice for signing. If 9.4(2)(d) doesn't apply, she will send up to the Justice for signing right away
- ▶ If there are no issues with your Order and the Clerk can sign it, you can expect to have your Order back within 2 days max
- ▶ Consent orders and ex parte orders are sent to the emergency duty Justice assigned for that day, make sure to provide supporting material with your Order
- ▶ If your submitting an Amended Order, you must submit your original Order along with it

# Telephone Applications

- ▶ Must have consent of all parties
- ▶ Master's Telephone Applications must be booked beforehand through the Masters Office
- ▶ Justice Telephone Applications must be booked with the Justice Chambers supervisor, we ask that they are booked two weeks out so they will appear on the Justices weekly assignment
- ▶ Justice Telephone Applications are heard each day at 11:30, however it is really at the end of the list
- ▶ Land line is preferred and if multiple parties you must book a conference call

# SUPPORTING MATERIALS

- ▶ As of March 30, 2020 on a one year pilot basis we will no longer pull files for 1001 (family w/counsel) or 1002 (civil) in Calgary
- ▶ It has always been helpful to bring your supporting material for the Court it will now be essential that you do. Supporting materials are the Application(s) and Affidavit(s) filed but it may also be other filed materials the Court will need to review in support of your application; previous Orders, Affidavits or in a contempt Application your Affidavit of Service
- ▶ If you are relying on Case Law or a Rules, please bring it for the Court or the Court clerk if you are filing
- ▶ Handing documents to the clerk in Court, is always seen as a courtesy

# Fax Filing Process

- ▶ Only available for **Counsel** located outside of Calgary.

# Notice to be given to court officers

- ▶ Rule 13.45
- ▶ If an order imposes a duty for a Clerk you must notify the Clerk when filing, filing the Order is not notification
- ▶ Supplying the clerk with a filed copy, with a memo attached is preferred
- ▶ Eg. Money paid out of court, sealing order, **setting a matter down for trial**

# Affidavits

- ▶ Rule 13.21 (2) Exhibits over 25 on an affidavit must be tabbed
- ▶ Date on body (Sworn on), jurat and exhibit stamp all must match
- ▶ Affidavit of Substitutional Service - You must provide copy of order
- ▶ Clerks are no longer commissioning documents for Lawyers, Process Servers and Legal Agents
- ▶ If family, it is essential you are meeting the requirements of PN2

# Bill of Cost

- ▶ Bills of Costs must be dropped off for approval at the 7<sup>th</sup> floor specialized services counter
- ▶ If Bills of Costs are consented to you should notify the Clerk or indicate it on the cover page, we will stamp it according to Rule 10.36(3)
- ▶ Don't forget to sign your Bill of Cost
- ▶ To improve efficiency provide a copy of order granting costs
- ▶ Foreclosure bills of costs, if the Defendant appears at any of the hearings or files a Demand for Notice or Statement of Defence, you can't go ex parte. You can serve the defendant with the untaxed bill of costs and if within 15 days they have not responded, we can assess with proof of service. Or you can obtain a fiat or book an appointment with the Review Officer
- ▶ Provide proof for all disbursements, no matter how small, if you can't we will accept a statement of account from the firm
- ▶ Bill of Costs should be itemized into 4 different categories, Fees, non taxable disbursement, taxable disbursement and other charges (faxing, copying)

# Briefs

- ▶ Briefs for a Justice are all filed at the 6<sup>th</sup> floor, special filing window
- ▶ Briefs for a Master are filed on the 9<sup>th</sup> floor Masters office
- ▶ Must follow filing deadlines of Civil practice note 2 and Family practice note 2
- ▶ Circle your firm on the Brief
- ▶ Have them signed



# Court Coordinators

## Civil Trial Coordinator

(Family/Civil Trials, Summary Trials, Trial of an Issue, Full day specials, Civil Jurys)

403 297 6282 or [CivilCoordinator.QBCalgary@albertacourts.ca](mailto:CivilCoordinator.QBCalgary@albertacourts.ca)

## JDR & Commercial Coordinator

(Judicial Dispute Resolution, Commercial, Early Intervention Case Conf, Case Conf. Family PTC)

Commercial - 403 476 4801 - [CommercialCoordinator.QBCalgary@albertacourts.ca](mailto:CommercialCoordinator.QBCalgary@albertacourts.ca)

Judicial Dispute Resolution - 403 297 7499 - [JDRBookingsCalgary@albertacourts.ca](mailto:JDRBookingsCalgary@albertacourts.ca)

CaseConferences (EIC,CCN,PTC) - 403 297 7499 - [CaseConferenceCoordinator.QBCalgary@albertacourts.ca](mailto:CaseConferenceCoordinator.QBCalgary@albertacourts.ca)

Case Management Coordinator - 403 297 2455

## Special Chambers Coordinator

(Half day specials, Family law specials)

403 297 6830 or [SpecialChambersCoordinator.QBCalgary@albertacourts.ca](mailto:SpecialChambersCoordinator.QBCalgary@albertacourts.ca)

Justice Chambers supervisor 403 297 6267