

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

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Chambers List Caps

- ▶ Masters Chambers capped at 50 matters per day
- ▶ Justice Chambers not capped

Jurisdiction

- ▶ Specific jurisdiction is available at 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)

Amended Applications

- ▶ This can be used to bring a matter back on the list if it was adjourned Sine Die or taken off the list
- ▶ Can be used to amend the body
- ▶ Must underline any amendments in red

Adjournments

- ▶ www.AlbertaCourts.ab.ca > Court of Queen's Bench > Court Operations & Schedules > Adjournment Confirmation
- ▶ Must have consent of all parties
- ▶ Adjournments must be in before 3:30pm the day before
- ▶ If you miss the cut off you must appear in court to have the matter adjourned (or a new application must be filed)

Add Ons

- ▶ If your matter is not on the (Masters/Justice Chambers) List, come to the QB Civil Counter (with your application) and ask to speak to a Chambers Clerk
- ▶ 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

Telephone Applications

- ▶ Must have consent of all parties
- ▶ Master's Telephone Applications must be booked beforehand through the Masters Office (780)-422-2328
- ▶ Justice Telephone Applications are heard Tuesday and Thursday only 9:30am – phone the Chambers office to confirm availability (780)-415-6604

Fax Filing Process

- ▶ Only available for **Counsel** located outside of Edmonton

Orders for Signing

- ▶ Drop order in Green 'Order's for Signing' basket
- ▶ Chambers clerk pulls clerk's notes to match order
- ▶ Chambers clerks send to appropriate Justice or Master
- ▶ Justice or Master reviews and signs order and sends back to Chambers
- ▶ Chambers clerk phones counsel for pickup or sends back with Court Runner
- ▶ There is never a guarantee on how long this process will take

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
- ▶ Eg. Money paid out of court, sealing order

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
- ▶ Sworn/Commissioned outside of Alberta must be notarized (and sealed)
- ▶ Affidavit of Service must specify who was served
- ▶ Affidavit of Substitutional Service – You must provide copy of order
- ▶ Clerks are no longer commissioning documents for Lawyers, Process Servers and Legal Agents

Bill of Costs

- ▶ Solicitor-Client Bills of Costs must be dropped off for approval by a Chambers Clerk
- ▶ Party-Party Bills of Costs can be assessed at the QB Civil Counter
- ▶ If Bills of Costs are consented to you should notify the Clerk or indicate it on the cover page
- ▶ Don't forget to sign your Bill of Cost
- ▶ To improve efficiency provide a copy of order granting costs

Writ of Enforcement

- ▶ Attach any interest calculations
- ▶ Do not put the Pre-Judgment interest in the Post-Judgment interest box – it should be included in the original judgment box
- ▶ Trade style and limited companies are separate debtor/creditors and must have there own block
- ▶ Alias' must have there own block
- ▶ Do not include middle name if you did not include it in your commencing document

Garnishee Summons

- ▶ If there are additional Writs attach the PPR Search
- ▶ The amount specified on the filed Writ of Enforcement is the amount which must be used on the Garnishee Summons
- ▶ You cannot garnishee bank accounts outside of the province

Briefs

- ▶ Always two copies for the Courts
- ▶ Always file a copy at QB Civil Counter
- ▶ Commercial matters, Case Management, Justice Seized matters take a copy to Court Coordinators office.
- ▶ Justice/Masters Specials give both copies to Clerk at QB Civil Counter

Court Coordinators

- ▶ Commercial and Case Management – Sharon Hinz
(780)-644-7389
- ▶ ½ Day Specials and JDRs – Peggy Lewis (780)-422-2313
- ▶ Civil Trials – Lisa Peach (780)-422-2311
- ▶ Criminal – Kathy Runnels (780)-422-2312
- ▶ Masters (All) – (780)-422-2328

Court

- ▶ Always check-in with the Clerk (providing a business card is appreciated)
- ▶ Always state your name and spell it on the record
- ▶ Complete Without Notice forms prior to speaking to them
- ▶ Hand documents to the Clerk
- ▶ The Clerk is available in the courtroom 15 minutes prior to court opening – if you are required in another courtroom or are outside negotiating settlement advise the clerk
- ▶ Adjournments over 15 minutes please vacate the courtroom